

Village of Aurora Zoning Law

Cayuga County, New York

Added Text

~~Deleted Text~~

DRAFT
July 3rd, 2024

TABLE OF CONTENTS

		Page
ARTICLE I.	GENERAL PROVISIONS	
Section 1.01	Short Title	1
Section 1.02	Purpose	1
Section 1.03	Applicability	1
Section 1.04	Procedures	1
ARTICLE II.	DEFINITIONS	
Section 2.01	General	2
Section 2.02	Specific Definitions	2
ARTICLE III.	ESTABLISHMENT OF ZONING DISTRICTS	
Section 3.01	Purpose	32
Section 3.02	Zoning Map	34
Section 3.03	Interpretation of District Boundaries	34
ARTICLE IV.	USE REGULATIONS	
Section 4.01	Applicability	35
Section 4.02	Uses Subject To Other Regulations	35
Section 4.03	Permitted Uses	35
Section 4.04	Prohibited Uses	35
Section 4.05	Use Table	36
Section 4.06	Uses Subject To Conditions	38
Section 4.07	Additional Regulations for Lots on Cayuga Lake	48
Section 4.08	Fireworks Display	50
ARTICLE V.	DIMENSIONAL REQUIREMENTS	
Section 5.01	Dimensional Table	53
Section 5.02	Habitable Floor Area	55
Section 5.03	Side Setback of Corner Lots	55
Section 5.04	Exceptions to Minimum Lot Sizes and Widths	55
Section 5.05	Exceptions to Building Height	56
Section 5.06	Traffic Visibility Across Corners	56
Section 5.07	Essential Services	57
Section 5.08	Existing Oil or Gas Drilling Leases and Wells	57
ARTICLE VI.	SPECIAL USE PERMITS	
Section 6.01	Purpose and Intent	58
Section 6.02	Applicability	58
Section 6.03	Procedure For Obtaining a Special Use Permit	58
Section 6.04	General Requirements and Standards	59
Section 6.05	Amendments to Special Use Permits	60
Section 6.06	Expiration and Revocation of Special Use Permits	60
Section 6.07	Requirements for Defined Special Uses	60
ARTICLE VII.	HISTORIC PRESERVATION	
Section 7.01	Purpose	65
Section 7.02	Authorization	65
Section 7.03	Scope, Exceptions	65
Section 7.04	Definitions	66
Section 7.05	Designation of Landmarks or Historic Districts, Criteria	70
Section 7.06	Designation of Landmarks or Historic Districts, Process.	71
Section 7.07	Certificate of Appropriateness for Alteration, Demolition, New Construction, or Relocation Affecting Individual Landmarks, Scenic Landmarks, or Historic Districts	73
Section 7.08	Criteria for Certificates of Appropriateness	74
Section 7.09	Certificates of Appropriateness Application Procedure	76
Section 7.10	Certificate of Appropriateness Approval Process	77
Section 7.11	Expiration and Extension of Certificate of Appropriateness Approval	78

Village of Aurora Zoning Law

Section 7.12	Alteration Hardship Process and Criteria	78
Section 7.13	Demolition, Removal or Relocation Hardship Process and Criteria	80
Section 7.14	Affirmative Maintenance and Repair Requirement	81
Section 7.15	Notable Trees	81
Section 7.16	Appeals	82
Section 7.17	Enforcement and Penalties	82
ARTICLE VIII.	NON-CONFORMITIES	
Section 8.01	Continuation	83
Section 8.02	Alteration or Extension	83
Section 8.03	Restoration	83
Section 8.04	Abandonment	83
Section 8.05	Changes	83
Section 8.06	Displacement	84
Section 8.07	Zoning District Changes	84
Section 8.08	Zoning Permit Required	84
ARTICLE IX.	NATURAL RESOURCE PROTECTION	
Section 9.01	General Planning Considerations	85
Section 9.02	Flood Hazard Overlay District	85
Section 9.03	Environmental Performance Standards	86
Section 9.04	Riparian Buffer Regulations	89
Section 9.05	Wetland Protection Regulations	95
Section 9.06	Steep Slope Regulations	96
Section 9.07	Stormwater Management, Sediment and Erosion Control	104
ARTICLE X.	LANDSCAPING REQUIREMENTS	
Section 10.01	Purpose and Intent	106
Section 10.02	Applicability	107
Section 10.03	General Requirements	107
Section 10.04	Specific Requirements	109
Section 10.05	Landscaping Plan	110
ARTICLE XI.	OFF-STREET PARKING AND LOADING REGULATIONS	
Section 11.01	Purpose and Intent	112
Section 11.02	Applicability	112
Section 11.03	Required Off-Street Parking and Loading Spaces	112
Section 11.04	Location of Required Parking	114
Section 11.05	Alternate Parking	115
Section 11.06	Additional Regulations	116
Section 11.07	Non-Conforming Parking and Loading	117
Section 11.08	Design Standards for Off-Street Parking	117
Section 11.09	Design Standards for Loading Spaces	119
ARTICLE XII.	SIGN REGULATIONS	
Section 12.01	Definitions	120
Section 12.02	Sign Area	122
Section 12.03	General Regulations	122
Section 12.04	Prohibited Signs	122
Section 12.05	Signs Permitted in All Zoning Districts	123
Section 12.06	Signs Permitted for Non-Residential Purposes	124
Section 12.07	Temporary Signs	124
Section 12.08	Non-Conforming Signs	124
Section 12.09	Application Requirements	125
Section 12.10	Issuance of Permit, Nullification and Installation Record	125
Section 12.11	Variances, Review and Appeal	126
Section 12.12	Enforcement	126
Section 12.13	Violations	126

ARTICLE XIII.	SITE PLAN REVIEW AND APPROVAL	
Section 13.01	Applicability	128
Section 13.02	Sketch Plan Conference	128
Section 13.03	Preliminary Site Plan Application	129
Section 13.04	Planning Board Review of Preliminary Site Plan for Major Projects	132
Section 13.05	Planning Board Action on Preliminary Site Plan for Major Projects	135
Section 13.06	Final Site Plan Approval Procedure for Major Projects	135
Section 13.07	Referral to County Planning Board	136
Section 13.08	Planning Board Action on Final Site Plan for Major Projects	136
Section 13.09	Planning Board Review and Approval of Site Plans for Minor Projects	136
Section 13.10	Implementation, Revision, and Enforcement of Approved Site Plans	137
Section 13.11	Reimbursable Costs	138
Section 13.12	Integration of Procedures	138
ARTICLE XIV.	SUBDIVISION REGULATIONS	
Section 14.01	Authority for Plat Approval & Compliance with Policy	140
Section 14.02	Applicability and Legal Effects	140
Section 14.03	Types of Subdivisions and Procedures	141
Section 14.04	Coordination with Cayuga County Health Department	142
Section 14.05	Consultation and Reimbursable Costs	142
Section 14.06	Plat Review of Uncompleted Subdivisions	142
Section 14.07	Definitions	142
Section 14.08	Subdivision Procedures	144
Section 14.09	Simple Subdivision Review Procedures	145
Section 14.10	Minor Subdivision Review Procedure	145
Section 14.11	Major Subdivision Preliminary Plat Review Procedure	147
Section 14.12	Major Subdivision Final Plat Application	151
Section 14.13	Endorsement of State and County Agencies	153
Section 14.14	Required Improvements	153
Section 14.15	Public Hearing and Review of Final Plat	154
Section 14.16	Planning Board Action on Final Plat	154
Section 14.17	Final Approval of Subdivision Plat	155
Section 14.18	Modifications	155
Section 14.19	Inspection of Improvements	156
Section 14.20	Public Streets and Recreation Areas	156
Section 14.21	Cluster Subdivision	156
Section 14.22	General Requirements and Design Standards	159
Section 14.23	Waiver of Certain Improvements	169
ARTICLE XV.	WIND ENERGY SYSTEMS	
Section 15.01	Purpose and Intent	171
Section 15.02	Definitions	171
Section 15.03	Applicability	171
Section 15.04	Permits Required	172
ARTICLE XVI.	SOLAR ENERGY SYSTEMS	
Section 16.01	Applicability and Purpose	173
Section 16.02	Definitions	173
Section 16.03	Non-Utility Scale Solar Energy System Requirements	174
Section 16.04	Utility Scale Solar Energy System Requirements	176
ARTICLE XVII.	WIRELESS TELECOMMUNICATION FACILITIES	
Section 17.01	Purpose and Legislative Intent	177
Section 17.02	Severability	177
Section 17.03	Definitions	177
Section 17.04	Policy and Goals for Special Use Permits	181
Section 17.05	Exceptions from Special Use Permit Requirement	181
Section 17.06	Exclusions	182
Section 17.07	Special Use Permit Application and Other Requirements	182
Section 17.08	Location	187

Village of Aurora Zoning Law

Section 17.09	Shared Use of Wireless Telecommunications Facilities and Other Structures	188
Section 17.10	Height	189
Section 17.11	Visibility	189
Section 17.12	Security	189
Section 17.13	Signage	189
Section 17.14	Lot Size and Setbacks	190
Section 17.15	Small Cell/5G Requirements	190
Section 17.16	Retention of Expert Assistance and Reimbursement by Applicant	193
Section 17.17	Public Hearing and Notification Requirements	194
Section 17.18	Action on Application for Special Use Permit	194
Section 17.19	Extent and Parameters of Special Use Permit	196
Section 17.20	Application Fee	196
Section 17.21	Performance Security	196
Section 17.22	Reservation of Authority to Inspect Wireless Telecommunications Facilities	197
Section 17.23	Liability Insurance	197
Section 17.24	Indemnification	198
Section 17.25	Fines	198
Section 17.26	Default and/or Revocation	198
Section 17.27	Removal	198
Section 17.28	Relief	200
Section 17.29	Periodic Regulatory Review by Village	200
Section 17.30	Adherence to State and/or Federal Rules and Regulations	200
Section 17.31	Conflict with Other Laws	200
ARTICLE XVIII. ADMINISTRATION		
Section 18.01	Conformance Required	201
Section 18.02	Zoning Officer Powers and Duties	201
Section 18.03	Zoning Permits	202
Section 18.04	Uses and Activities Requiring a Zoning Permit	203
Section 18.05	Uses and Activities NOT Requiring a Zoning Permit	204
Section 18.06	Code Enforcement Officer Power and Duties	204
Section 18.07	Special Provisions for Issuance of Permits in Flood Hazard Areas	205
Section 18.08	Certification of Occupancy	205
Section 18.09	Fees	206
Section 18.10	Violations, Enforcement and Remedies	206
Section 18.11	Fines and Penalties	206
ARTICLE XIX. BOARDS		
Section 19.01	Community Preservation Panel	207
Section 19.02	Planning Board	211
Section 19.03	Zoning Board of Appeals	215
Section 19.04	Referrals to County Planning Board	222
Section 19.05	Agricultural Data Statements	224
Section 19.06	Fee Reimbursement	224
ARTICLE XX. AMENDMENTS		
Section 20.01	Procedure	225
ARTICLE XXI. SEVERABILITY, REPEALER AND EFFECTIVE DATE		
Section 21.01	Severability	226
Section 21.02	Repealer	226
Section 21.03	Effective Date	226
APPENDIX I. ZONING MAP		
APPENDIX II. NATURAL RESOURCE PROTECTION MAP		
APPENDIX III. STEEP SLOPES MAP		
APPENDIX IV. HISTORIC RESOURCE MAP & REGISTER OF HISTORIC LANDMARKS		

Village of Aurora Zoning Law

TABLES

Table 1	Use Table	36
Table 2	Design Standards for Associated Facilities (Docks)	40
Table 3	Keeping of Domestic Livestock Requirements	46
Table 4	Dimensional Table	53
Table 5	Calculation of Plant Units for Riparian Buffers	108
Table 6	Minimum Parking Space and Aisle Dimensions	118
Table 7	Minimum Loading Space Dimensions	119
Table 8	Individual Landmarks Listed on the New York State and/or National Register of Historic Places in Aurora, NY	231
Table 9	Individual Landmarks Designated by the Village of Aurora Board of Trustees	232
Table 10	Scenic Landmarks Designated by the Village of Aurora Board of Trustees	232

FIGURES

Figure 1	Building Setbacks and Lot Lines	54
Figure 2	Building Setbacks and Lot Lines – Lakefront Properties	54
Figure 3	Maximum Lot Coverage Example	55
Figure 4	Sight Triangle on a Corner Lot	56
Figure 5	Height Restrictions in the Sight Triangle	56
Figure 6	Sight Triangle at a Driveway	56
Figure 7	Height Restrictions in the Sight Triangle at a Driveway	56
Figure 8	Riparian Buffer Area	92
Figure 9	Parking Space and Aisle Dimensions	118
Figure 10	Sign Permit Application Procedures	127
Figure 11	Site Plan Application Procedures	139
Figure 12	Subdivision Application Procedures	170

ARTICLE I: GENERAL PROVISIONS

Section 1.01 – Short Title

A. This Local Law shall be known and cited as the “Village of Aurora Zoning Law.”

Section 1.02 – Purpose

A. The ultimate goal of the land use program of the Village of Aurora is to protect, preserve and enhance its traditional village character, while allowing for targeted growth. Toward this end, such regulations shall be made to promote the health, safety, and general welfare of the community; to protect and enhance existing historic areas; to secure safety from fire, panic and other dangers; to provide adequate light and air; to prevent the overcrowding of the land; to avoid concentration of population; to protect the water quality and scenic views of Cayuga Lake; to facilitate the adequate provision of or for transportation, water, sewage, schools, parks, open spaces, and other public requirements under and pursuant to Article 6-A, Village Law of the State of New York. The size of buildings and other structures; the percentage of lot that may be occupied; the density of population; and the use of buildings, structures and land for commerce, industry, residence or other purposes are hereby restricted and regulated as hereinafter provided.

Section 1.03 – Applicability

A. Except as hereinafter provided, no building, structure or land shall be used or occupied; and no building or structure or part thereof shall be erected, constructed, reconstructed, moved, enlarged or structurally altered unless in conformity with the regulations of this Local Law. However, this Local Law shall not require any change to any building, structure or use legally existing at the effective date of this Local Law, or any amendment thereto; or to any building, structure, or use planned and construction started in compliance with existing laws prior to the effective date of the Law, or any amendment thereto, and completed within a one year period after the effective date of this Local Law, or any amendment thereto, except as provided in Article XIX.

Section 1.04 – Procedures

A. The procedures for complying with the terms of this Local Law are enumerated in Article XVII: Administration. Generally, the procedure for all construction, alterations, and usage change of buildings in the Village require:

1. Issuance of a permit by the Zoning Officer in accordance with the provisions in Article XVII.
2. Issuance of a Certificate of Occupancy/Compliance by the Zoning Officer in accordance with the provisions of Article XVIII.

ARTICLE II: DEFINITIONS

Section 2.01- General

- A. For the purpose of this Local Law, words and terms used herein shall be interpreted as follows:
1. Words used in the present tense include the future.
 2. The singular includes the plural, the plural includes the singular.
 3. The word “person” includes a corporation, limited liability company, unincorporated association and a partnership, as well as individuals.
 4. The word “lot” includes the word “plot” or “parcel.”
 5. The words “shall” and “will” are always mandatory; the word “may” is always permissive.
 6. The word “used” or “occupied” as applied to any land or building shall be construed to mean “used” or “intended, arranged or designed to be used.”
 7. The word “structure” includes building and the words “building” and “structure” shall be construed as if followed by the phrase “or part thereof.”
 8. The word “street” includes “avenue, boulevard, court, expressway, highway, lane, and road.”
 9. The term “water course” includes “channel, creek, drainage ditch, drain, dry run, spring, stream, and swale.”
 10. The word “permitted” means “allowed with a permit.”
- B. All words in this Local Law that are not defined herein shall carry the meanings that are derived from customary use of the English language. Words used in this Local Law may also carry technical meanings. Any term defined in the New York State Uniform Fire Prevention and Building Code that is not defined herein shall be interpreted using the definition provided in the New York State Uniform Fire Prevention and Building Code. If a dispute should arise, the Zoning Officer shall be responsible for determining which specific meaning is appropriate for a word that has more than one meaning and that is not defined in this Local Law. Any appeal of the Zoning Officer’s determination may be considered by the Zoning Board of Appeals.

Section 2.02- Specific Definitions

- A. Unless a contrary intention clearly appears, the following words, terms, and phrases shall have, for the purpose of this Local Law, the meanings given in the following clauses. Words in **bold face** are separately defined herein.

Abandonment: The voluntary, and intentional relinquishment of property or cessation of the **use** of property by the **owner** or lessee without any intention of transferring rights to another **owner** or of resuming the **use** of the property. “Abandonment” shall also mean to cease or discontinue a **use** or activity without intent to resume, but excluding temporary or short-term interruptions to a **use** or activity during periods of remodeling, maintaining, or otherwise improving or rearranging a facility, or during normal periods of vacation or seasonal closure. An “intent to resume” can be shown through continuous operation of a portion of the facility, maintenance of sewer, water, and other public utilities including electric service, or other outside proof of continuance such as bills of lading, delivery records, etc.

Abandoned Item: Any item which has ceased to be used for its designed and intended purpose. The factors used in determining whether or not an item has been abandoned, include but are not limited to the following: (1) Present operability and functional utility of the item; (2) the

date of last effective use of the item; (3) the condition of disrepair or damage; (4) the last time an effort was made to repair or rehabilitate the item; (5) the status of registration or licensing of the item; (6) the age and degree of obsolescence; (7) the cost of rehabilitation or repair of the item when compared to its market value; or (8) the nature of the area and location of the item.

Accessory: The term applied to a **building, structure, or use** (except for an **accessory dwelling unit**) that (1) is customarily incidental and subordinate to and serves a **principal building or use** served; (2) is subordinate in area, extent, or purpose to the **principal building or use** served; (3) contributes to the comfort, convenience, or necessity of occupants of the **principal building or principal use**; and (4) is located on the same parcel as the **principal building or principal use**.

1. Accessory Building: A subordinate **building** located on the same **lot** as a **principal building** and clearly incidental and subordinate to the **principal building**.
2. Accessory Structure: A combination of materials assembled, constructed or erected on the same **lot** as a **principal building** and clearly incidental and subordinate to the **principal building**, the **use** of which requires location on the ground or attachment to something having location on the ground.
3. Accessory Use: A **use** that is incidental to and customarily found in connection with the **principal use**. An accessory use must be conducted on the same zoning **lot** as the **principal use** to which it is related.

Acre: A measurement of land area. One acre equals 43,560 square feet.

Adjacent: close, nearby; abutting or adjoining; facing

Aggrieved (Person or Party): A **person** is “aggrieved” if his or her property interests are affected negatively by any order, requirement, decision, interpretation or determination made by the **Zoning Officer**, Planning Board or Community Preservation Panel. Commonly, a property **owner** who either has been refused a **permit** or has been served with an enforcement action, is the “aggrieved party.” A neighboring **landowner** may also be an “aggrieved party”, if he or she believes the decision in issuing a **permit** or **development** approval was improper and will negatively affect the **use**, enjoyment and/or value of their property.

Agricultural Practices: Those practices necessary for the on-farm production, preparation, and marketing of agricultural commodities. Examples of such practices include, but are not limited to: operation of farm equipment, construction and **use** of farm **structures**, proper licensed **use** of agricultural chemicals, and proper nutrient management activities (e.g. spreading of manure or compost, application of nutrients like nitrogen on the soil, and other accepted crop production methods) as defined by the New York State Department of Agriculture & Markets. This definition also includes the construction and maintenance of “**Farmstead**” **structures** as elsewhere in this Local Law.

Agricultural Use: The **use** of **farmland** and **resources** for the production of food, fiber, fuel, and for **agri-tourism** activities in accordance with the accepted **agricultural practices** of land, nutrient, and farm management as defined by the New York State Department of Agriculture & Markets including but not limited to: the raising, harvesting, and selling of crops; feeding (including grazing), breeding, managing, selling, or producing **livestock**, poultry, fur-bearing **animals**, or honeybees; dairying and the sale of dairy products; any other aquacultural, floricultural, horticultural, silvicultural, or viticultural **use**; **animal husbandry**, agricultural support industries, or by any combination thereof; and the **use** of land for the primary purpose of stabling or training equines including, but not limited to, providing riding lessons, training

clinics, and schooling shows; and as further defined in “**Agricultural Practices**” elsewhere in this Local Law.

Agri-Tourism: A form of **commercial** enterprise that links **agricultural production** and/or processing with tourism in order to attract visitors onto a farm or other agricultural **business** for the purposes of entertaining and/or educating the visitors and generating income for the farm or **business owner** including but not limited to: pumpkin picking patches, corn mazes, U-pick or Community Supported Agriculture (CSA) operations, petting and feeding zoos, hay rides, cut-your-own Christmas tree farms, demonstration farms, agricultural museums, living history farms, on-farm **farmers’ markets** or road-side stands, winery tours and wine tasting, and **garden** tours.

Alteration: Any modification made to a parcels’ **building(s)** or **structures**; (1) the modification or rearrangement in the supporting members of a **building** or **structure** such as bearing walls, columns, beams or girders or to means of egress; (2) an enlargement of a **building** or **structure**, whether by extending on a side or by increasing in height or roof coverage; (3) the relocation of any permanent or movable **structure** from one location another on the same parcel; or (4) any modification whereby a **structure** is adapted to another or different **use**, including any separation into rooms or spaces by the installation of new walls or roofs; or (5) the installation, replacement or modification of utilities serving the parcel.

Animal: Any organism other than human beings needing food to maintain and sustain its life which generally has mobility and a developed central nervous system.

1. Coop/Cage: A **structure**, not necessarily attached to the ground, with a top and sides and designed to provide shelter and protection for small **animals** or birds.
2. Domestic Animal/Pet: An **animal** that lives in or near the habitations of humans, often tamed, which is kept for companionship or utility but not for **commercial** purposes, including, but not limited to, amphibians (nonvenomous), cats, dogs, birds (excluding **predatory birds**), reptiles (lizards, nonvenomous snakes), rodents (hamsters, gerbils, mice, rats, ferrets), aquarium fish and rabbits (although these are often "farmed"), and insects.
3. Domestic Livestock: Refers to horses, cattle, swine, sheep, goats, rabbits, poultry, **fowl**, and furbearing **animals**, excluding household pets, that are kept on a non-agricultural property and are not part of an active **farm** operation. The husbandry of domestic livestock and their products shall be for home **use** or consumption including breeding, feeding, raising, caring, and housing. Any sales of **animal** products shall be minor and incidental to the keeping of said **animals** and only in accordance with this Local Law.
4. Enclosure: A set of walls or **fences** designed to confine **animals** or birds to a space that is large enough to permit the **animals** and birds to roam relatively freely in an open yard area.
5. Exotic/Wild Animal: Any live monkey, alligator, crocodile, cayman, raccoon, opossum, skunk, fox, wolf, hybrid wolf, sea mammal, bear, venomous snake, nonhuman primate, prairie dog, African Serval, member of the feline species other than domestic cat (*felis domesticus*), member of the canine species other than domestic dog (*canis familiaris*) or any other **animal** that would require a standard of care and control greater than that required for customary household pets sold by **commercial** pet shops or **livestock**. The term "exotic or wild animal" does not include domestic cats (excluding hybrids with ocelots or margays), domestic dogs (excluding hybrids with wolves, coyotes or jackals), **domestic livestock**, rodents, and captive-bred species of common **cage** birds.
6. Fowl: Any goose, pheasant, chicken, prairie chicken, peacock, guinea, duck, turkey, and other normally undomesticated fowl.

7. Livestock: Any cattle, sheep, swine, poultry, **fowl**, ostriches, emus, peacocks, goats, horses, mules, asses, llamas, alpacas, bison, rabbits, and rheas. Bees are not livestock.
8. Predatory Bird: An owl, hawk, falcon, eagle or similar bird that feeds principally by catching living prey.
9. Shelter Structure for Animals: A sturdy **structure** that provides the **animal** with protection from rain, hail, sleet, snow, subfreezing temperatures, sun and excessive heat and is large enough to allow the **animal** to stand erect, sit, turn around, and lie down in a normal manner.
10. Similar Animal: Any **domestic livestock animal** that is similar to other **animals** listed in a particular category of permitted **animals** with respect to impacts on nearby properties, including noise, **odors**, safety hazards or other nuisances.

Animal Care Facility: Any facility maintained by or for the **use** of a licensed veterinarian in the diagnosis, treatment, or prevention of **animal** diseases and wherein the overnight care of said **animals** is prohibited except when necessary in the medical treatment of the **animal**. This term is also commonly referred to as an **animal** hospitals or veterinary clinics.

Animal Husbandry: A branch of agriculture for the raising or nurturing and management of **animals**, including breeding, pasturing, ranching, and sales of **animals**.

Apartment: One or more rooms with private bath and kitchen facilities comprising an independent self-contained **dwelling unit** not owned in fee simple.

1. Apartment Building: Any **building** containing three (3) or more **apartment dwelling units** as defined elsewhere in this Local Law. Apartment buildings shall be considered **multi-family dwelling units** as defined elsewhere in this Local Law.

Arboretum: A **botanical garden** devoted to trees.

Artist/Artisan: One skilled in an applied art; a craftsperson.

Artist Studio/Artisan Workshop: An establishment for the preparation, display, and sale of individually crafted fine arts such as but not limited to: artwork, drawings, furniture, hand-woven articles, jewelry, leathercraft, painting, pottery, sculpture, vocal or instrumental music, writing and related items by an **artist**, **artisan**, or craftsperson, including **persons** engaged in the application, teaching, or performance of any of these skilled crafts.

Beekeeping: The practice of rearing, breeding, and keeping **honeybees** in order to produce honey and/or beeswax either as a hobby or business occupation. Also called apiculture.

1. Apiary: The assembly of one or more colonies of **honeybees** and **hives** in a single location wherever they are kept, located, or found (except native wild colonies).
2. Colony: An aggregate of **honeybees** in a **hive** consisting principally of workers, but having, when perfect, one queen and at times many drones, including brood, combs, honey, and the receptacle inhabited by the **honeybees**.
3. Flyway Barrier: A solid wall, **fence**, dense vegetation, or combination of these materials at least six feet high that extends at least ten feet beyond the **hives** on each end of the **colony**.
4. Hive: Any receptacle or container, or part of any receptacle or container, which is inhabited by a live **colony** of **honeybees**.
5. Honeybee: All life stages of the common domestic honeybee, *apis mellifera* species.

Bed and Breakfast: Lodging facilities located in an **owner**-occupied private residence resulting from the conversion of a **one-family dwelling**, used for providing overnight accommodations and a morning meal to guests only; and to not more than 10 transient **lodgers** at one time, and

containing not more five bedrooms for such **lodgers**. The period of accommodation shall be no more than fourteen (14) days. Such **use** shall not be construed as a **Boarding House**.

Benevolent Society Clubs and Lodges: **Buildings** and facilities, owned or operated by a corporation, association, **person**, or **persons**, for a social, educational, or **recreational** purpose, to which membership is required for participation, and not primarily operated for profit nor to render a service that is customarily carried on as a **business**.

Block: An area bounded by **streets**.

Boarding House: An **owner**-occupied **dwelling** in which not more than five (5) sleeping rooms are provided for definite periods of time including for weeks, months or years. The common parts of the house are maintained, and some services, such as laundry and cleaning, may be supplied. Meals may or may not be provided, but there is one common kitchen facility. No meals are provided to outside guests. Such **use** shall not be construed as a **Bed and Breakfast**.

Boat Tour/Cruise Operation: A **business** which operates a **boat** on Cayuga Lake and may offer on-the-water guided touring experiences for patrons with or without the provision of food, beverages and or other entertainment for a fee. A boat tour is a short trip taken for touristic reasons, typically starting and ending in the same place, and normally of a duration less than a day.

Botanical Garden: A public or private facility for the demonstration and observation of the cultivation of flowers, fruits, vegetables, or ornamental plants. Such a facility may also be **used** to cultivate plants for scientific and educational purposes.

Buffer: An area of land area covered with grass, vegetation, trees, fencing, embankments, or earth berms, designed to provide a physical and visual barrier utilized to reduce noise, dust, **odor**, light, litter or any other elements generally thought to be objectionable in nature.

Building: A **structure** enclosed within exterior walls, built, erected and framed of a combination of materials, whether portable or fixed, having a roof, to form a **structure** for the shelter, housing or **enclosure** of **persons**, **animals** or property.

1. Building, Principal: A **building** in which is conducted or is intended to be conducted the **principal use** of the **lot** on which it is located.

Building Area: The total of areas of the footprint of the **principal building**, **porches**, **decks**, and all **accessory buildings** exclusive of **terraces**, and **steps**.

Building Coverage: The percentage of the plot or **lot area** covered by the **building area**.

Building Height, Maximum: A plane parallel to and measured vertically from undisturbed natural ground level **adjacent** to the **building**, above which no part of any **building** may extend except as provided in Section 5.05 of this Local Law.

Business: Any lawful **commercial** endeavor to engage in the manufacturing, purchase, sale, lease, or exchange of goods, and for the provision of services.

1. Commercial: A land **use** or other activity involving the sale of goods or services for financial gain.

Cemetery: A place used for interment of human or **animal** remains or cremated remains, including a burial **park** for earth interments, a mausoleum for vault or crypt interments, a columbarium for cinerary interments, or a combination thereof.

Certificate of Compliance: A certificate issued by the **Zoning Officer** upon completion of the **change of use** of an existing **building** or upon the completion of a project requiring **site plan review** and approval. Said certificate shall acknowledge compliance with all requirements of approved **area variances**, **use variances** or **Special Use Permits**, and all applicable Village

of Aurora laws and regulations in existence as of the date of the issuance of the Certificate of Compliance.

Certificate of Occupancy: A certificate issued by the **Code Enforcement Officer** upon completion of construction or **alteration** of a **building**. Said Certificate shall acknowledge compliance with all of the requirements of the New York State Uniform Fire Prevention & **Building** Code and shall deem the **building** safe for human habitation.

Cluster Development: A **development** of residential **lots**, some of which may contain less area than the minimum **lot area** required for the **zoning district** within which such **development** occurs, while maintaining the **density** limitation imposed by said minimum **lot area** through the provision of **open space** as part of the subdivision **plat**.

Code Enforcement Officer: The duly trained and certified employee of the Village of Aurora who is responsible for the local enforcement of the New York State Uniform Fire Prevention & **Building** Code and who is authorized by the Village to issue certain **building**-related **permits**, violations and stop work orders in accordance with Sections 18.01, 18.07, 18.08, 18.10 and 18.11 of this Local Law.

Community Center: A **building** to be used as a place of meeting, **recreation**, or social activity and not operated for profit and in which neither alcoholic beverages or meals are normally dispensed or consumed.

Conference Center: A **building** which provides a dedicated environment for **business** or training meetings, primarily for small to medium sized events having fewer than 50 attendees at any given time. Dedicated meeting rooms are separated from food service, high traffic, and common areas. Separate and dedicated interior dining facilities are to be provided to Conference Center guests.

Conservation, Open Space: Lands protected from **development** under permanent **easement** that may include pasture, woodland, agricultural fields, nature or game preserves, wildlife sanctuaries, public **parks**, and non-**commercial recreation** areas.

Craft Beverage Industry: Land and **buildings** used for the production and sale of craft beverages, including offering of tastings with or without an **accessory restaurant use**. Examples of craft beverage industries include wineries, breweries, cideries, and distilleries; and includes operations that are classified as either a “regular”, “farm”, “special”, or “micro” based operation by the NYS Alcohol and Beverage Control Law.

Cultural Establishments: A library, museum, or similar public or quasi-public **use** displaying, preserving, and exhibiting objects of community and cultural interest in one or more of the arts or sciences.

Day Care Facility: A facility licensed by the state; providing care for six or more children or adults who do not reside in the facility, are present primarily during daytime hours, and do not regularly stay overnight; and which may include some instruction.

Deck: A deck is a roofless outdoor space built as an aboveground platform projecting from the wall of a **building** and is connected by structural supports at grade or by the **building structure**.

Dedication of Land: The deliberate giving of land by its **owner** for any general and public **uses**, reserving to the **owner** no other rights than such as are compatible with the full exercise and enjoyment of the public **uses** to which the property has been devoted.

Demolition: The destruction or razing of a **building** or **structure** or a **substantial** part thereof.

Density: A unit of measurement; "density" means the number of **dwelling units** per **acre** of land.

Detached Dwelling: A single place of residence within a **building** from ground to roof that also has independent outside access and is unattached to other **buildings** on all sides.

Developer: Any **person**, firm, partnership, association, corporation, company, limited liability company or entity or organization of any kind that constructs or proposes to construct one or more highways, drainage facilities, mixed **use** projects, residential subdivisions, utilities, **parks**, or the like, within or in conjunction with a **building** or **site development** and to convey or dedicate same to the Village.

Development: Any man-made changes to improved or unimproved real estate, including but not limited to **buildings** or other **structures**, mining, dredging, filling, grading, paving, **excavation** or drilling operations, excluding normal maintenance of farm roads and **agricultural practices**.

District, Zoning: A portion of the territory of the municipality within which certain uniform regulations and requirements or various combinations thereof apply under the provisions of this Local Law.

Dock: Any wharf, **structure**, hoist, or fixed platform located on the shore and extending into and out of the water built on floats, columns, open timbers, piles, or similar open-work supports. The term shall include both things which remain in place year-round and things which are in place only seasonally.

1. Associated Facilities: **Boat accessory structures, boat stations, boat hoists, and boat hoist structures.**
2. Boat: Any vessel, floating craft, or personal watercraft which utilizes a **dock** or mooring facility including but not limited to canoes, rowboats, kayaks, sailboards, and other small boats or personal watercraft as defined in NYS Navigation Law Sec.2 Subsection 30.
3. Boat Accessory Structure: An enclosed storage **structure**, the purpose of which is the storage of related boating accessories and shall have no utility service except electricity. A boat accessory structure shall not be defined to mean a **boat hoist structure, boat station or boat house.**
4. Boat Hoist: Any mechanical device the purpose of which is to remove the **boat** from the water for waterside storage and shall not have a roof.
5. Boat Hoist Structure: A seasonal open-sided **structure** placed in the water with an attached mechanical device to raise or lift a **boat** out of the water for waterside storage. A boat hoist structure shall not be defined to mean a **boat station, boat house or boat accessory structure.**
6. Boat House: A permanent enclosed **structure** that provides direct water or rail access for **boats**, and is wholly or partially supported or constructed below the mean high water mark. A boat house has a permanent roof and one or more enclosed sides and shall have no utility service except electricity. A boat house shall not be defined to mean a **boat hoist structure, boat station or boat accessory structure.**
7. Boat Slip: A waterside storage area adjoining or within any **structure, boat hoist structure, boat station, dock or pier**, the purpose for which is the storage of a **boat.**
8. Boat Station: A permanent open-sided **structure** with a roof, constructed in the water, with a mechanical device, the purpose of which is to raise or lift a **boat** out of the water for waterside storage. A boat station is intended as a permanent **boat hoist structure.** A boat station shall not be defined to mean a **boat hoist structure, boat house, or boat accessory structure.**

Dormitory: A **structure** specifically designed for a long-term stay by students of a New York State chartered, accredited or approved college, university, or other educational organization for the purpose of providing rooms for sleeping purposes. One common kitchen and some common gathering rooms for social purposes may also be provided.

Drainage Plan: a plan and proposed method for receiving, handling and transporting surface water within the subject property during construction and permanent installations following construction completion. The drainage plan shall include any and all necessary drawings as prepared and sealed by a licensed engineer or **stormwater** management professional in New York State and shall be accompanied by a narrative and all computations required to determine the extent and nature of the proposed drainage plan. A drainage plan may be prepared as part of a NYS DEC required **SWPPP** but the Planning Board may require a drainage plan for **development** review and approval even if the NYS DEC does not require a **SWPPP** for a particular **development**.

Drinking Establishment: Any **building** or **structure** which is not part of a larger **restaurant** and where alcoholic beverages are sold for on-site consumption. This includes bars, taverns, pubs, and similar establishments where any food service is subordinate to the sale of alcoholic beverages.

Driveway: A private vehicular access way to a **street**.

Dwelling: A **building** or a portion thereof, designed, used, or intended to be used primarily for human habitation whether inhabited or not. A dwelling shall not be deemed to include a **hotel**, **motel**, or **bed and breakfast**. A dwelling is more specifically defined as the following:

1. Accessory Dwelling Unit: A second subordinate unit that is: (1) contained within the existing primary single **dwelling unit**; (2) an addition to the existing primary **dwelling unit**; (3) an adaptive reuse of an existing permanent detached **accessory structure** such as a barn, carriage house or garage on the same parcel as the primary **dwelling unit**; or (4) designed into new construction of a single **dwelling unit**. This term includes other similar terms such as elder cottage.
2. Dwelling, Multi-Family: A **building** used, designed, or occupied as a residence for three (3) or more families living independently of each other with separate living, sleeping, cooking and sanitary facilities for each **family**.
3. Dwelling, One-Family: A **dwelling** having only one (1) **dwelling unit** from ground to roof, independent access, and **open space** on all sides.
4. Dwelling, Temporary Emergency: A residence (which may be a mobile home) that is: (a) located on the same **lot** as a residence made uninhabitable by fire, **flood**, or other natural disaster and occupied by the **persons** displaced by such disaster; or (b) located on the same **lot** as a residence that is under construction or undergoing **substantial** repairs or reconstruction and occupied by the **persons** intending to live in such permanent residence when the work is completed.
5. Dwelling, Two-Family: A **building** designed for, or occupied exclusively by, two (2) families living independently of each other with separate living, sleeping, cooking and sanitary facilities for each **family**.
6. Dwelling Unit: Any room or group of rooms located within a residential **building** and forming a single habitable unit with living, sleeping, cooking and sanitary facilities within the unit for use by one **family**.

Easement: A legal interest in land, granted by the **owner** to another **person**, which allows that **person(s)** the **use** of all or a portion of the **owner's** land, generally for a stated purpose

including but not limited to access or placement of utilities. The **use** of the land under an easement may be for a private, public or quasi-public purpose.

1. Easement, Access: An **easement** created for the purpose of providing vehicular or pedestrian access to a property. This definition includes shared **driveways**.

Educational Facility: An **institution** for the teaching of children or adults including primary and secondary schools, colleges, professional schools, dance schools, **business** schools, trade schools, art schools, and similar facilities.

Elderly Congregate Housing: A type of housing in which each individual or **family** has a private bedroom or living quarters but shares with other residents a common dining room, recreational room, or other facilities. This term is synonymous with assisted living facility where residents live together and share common facilities but receive limited **medical care**. This term shall not mean a **Nursing/Convalescent Home**.

Electric Vehicle (EV): any vehicle that operates, either partially or exclusively, on electrical energy from the grid, or an off-board source, that is stored on-board for motive purpose. “Electric vehicle” includes: (1) a battery electric vehicle; (2) a plug-in hybrid electric vehicle; (3) a **neighborhood** electric vehicle; and (4) a medium-speed electric vehicle.

Electric Vehicle Charging Station: a public or private **parking space** that is served by battery charging station equipment that has as its primary purpose the transfer of electric energy (by conductive or inductive means) to a battery or other energy storage device in an **electric vehicle**.

1. Charging Levels: the standardized indicators of electrical force, or voltage, at which an **electric vehicle**’s battery is recharged. Levels 1, 2, and 3 are the most common **EV** charging levels, and include the following specifications:
 - a. Level 1 is considered slow charging and **uses** a standard 120V AC outlet and is capable of charging an **EV** battery in approximately 8-12 hours. Typically located in a residential garage.
 - b. Level 2 is considered medium charging and **uses** a free-standing or hanging 240V AC charging station to make the connection between power outlets and vehicles and is capable of charging an **EV** battery in approximately 4-8 hours. Can be private or public **use**. Located outdoors **adjacent** to a designated **EV parking space**.
 - c. Level 3 is considered fast or rapid charging and requires an **industrial** grade electrical outlet that allows for faster recharging of **electric vehicle** batteries through higher power levels. Level 3 chargers use a 480-600V DC fast charger which is capable of charging an **EV** battery in approximately 30 minutes. Can be private or public **use**, but typically a public **use** in a very visible area with high vehicle turnover. Located outdoors **adjacent** to a designated **EV parking space**.

Emergency Service Facility: Facilities operated by public agencies including, but not limited to, fire stations, other fire prevention and firefighting facilities, police and sheriff substations and headquarters, including interim incarceration facilities, and emergency medical and ambulance service.

Event/Party Tent: A **tent** erected at a set location, designed to be temporary in nature and time, for the purpose of providing covered shelter for specific events including parties, gatherings, etc. either private or open to the public. Habitation, including camping, is not included in this definition and no event/party **tent** shall be used for such purpose. Approval to erect an event/party **tent** shall include a definite time period for when the **tent** is to be taken down and removed from the property.

1. Tent: A **structure, enclosure, umbrella structure** or shelter, with or without sidewalls or drops, constructed of fabric or pliable material supported in any manner except by air or the contents it protects.
2. Umbrella Structure: A **structure, enclosure, umbrella structure** or shelter, with or without sidewalls or drops, constructed of fabric or pliable material supported by a central pole or poles.

Event Venue: An establishment which is rented by individuals or groups to accommodate private or public functions including but not limited to, banquets, weddings, anniversaries, birthdays and other similar celebrations, which may take place in **tents**, gazebos, barns, open areas, or residential **structures** (including **buildings**). Such a **use** may or may not include: 1) kitchen facilities for the preparation or catering of food; 2) the sale of alcoholic beverages for on-premises consumption, only during scheduled events and not open to the general public; and 3) outdoor **gardens** or reception facilities.

Excavation: The process of altering the natural (grade) elevation by cutting or filling the earth, or any activity by which soil or rock is cut, dug, quarried, uncovered, removed, displaced, or relocated.

Extraction: To draw out or forth; hence to derive as if by drawing out; removal of physical matter in a solid, liquid, or gaseous state from its naturally occurring location; the initial step in **use** of a natural **resource**; examples include petroleum and natural gas wells, shale and coal mines, gravel pits, timber cutting.

Extractive Industry/Mining: The **extraction** or removal of minerals, including solids, such as sand, shale, soil, gravel, coal, and ores; liquids, such as crude petroleum; and gases, such as natural gases from the ground or the breaking of the surface soil, and exclusive of the process of grading a **lot** preparatory to the construction of a **building** for which **application** for a **building permit** has been made. The term also includes quarrying; well operation; milling, such as crushing, **screening**, washing and flotation; and other preparation customarily done at the **extraction site** or as a part of the extractive activity. This term shall not include **excavation** or grading when conducted for farm improvement including tilling of soil for planting or harvesting crops; or the incorporation of manure or other fertilizers into the soil for agricultural purposes.

Façade: The face of a **building**, especially the principal front that faces a **street** or an **open space** including any face that is visible from the **street**.

Family: A **person** living alone, or any of the following groups living together as a single nonprofit housekeeping unit and sharing common living, sleeping, cooking, and eating facilities: (1) any number of people related by blood, marriage, adoption, guardianship, or duly-authorized custodial relationship; (2) two or more unrelated people; (3) two or more unrelated people and any children related to either of them; (4) not more than eight people who are: (a) residents of a **Group Home** as defined in the NYS Unified Fire Prevention and **Building Code** and elsewhere in this Local Law; or (b) **handicapped** as defined in the United States Fair Housing Act and elsewhere in this Local Law. Family does not include any society, club, fraternity, sorority, association, lodge combine, federation, coterie, or like organization; any group of individuals whose association is temporary or seasonal in nature; or any group of individuals who are in a group living arrangement as a result of criminal offenses.

Farm Stand: A **structure** or vehicle, whose **principal use** is the seasonal display and sale of agricultural and **value added** products, as defined below.

1. Agricultural Product: Any agricultural or aqua-cultural product of the soil or water, including but not limited to fruits, vegetables, eggs, dairy products, meat and meat

products, poultry and poultry products, fish and fish products, grain and grain products, honey, nuts, preserves, maple sap products, apple cider, and fruit juice.

2. Value Added: The increase in the fair market value of an **agricultural product** resulting from the processing of such product.

Farmers' Market: An occasional or periodic market held in an open area or in a **structure** where groups of individual sellers offer for sale to the public such items as fresh produce, seasonal fruits, fresh flowers, arts and crafts items, and food and beverages (but not to include second-hand goods) dispensed from booths, **tents** or vehicles located **on-site**.

Farmland: Land which is currently used for crop production, pasture, or a **farmstead**; and land which is not currently in **use** for but, is suitable for these purposes in the future (e.g. idle farmland).

Farmstead: The land upon which agricultural **buildings** and equipment is located or stored which may or may not also include a **one-family dwelling unit** and associated **accessory buildings**.

Fence: An artificially constructed barrier of wood, masonry, stone, wire, metal, or other manufactured material or combination of materials erected to enclose, screen, or separate areas.

Hedgerows and **landscaping** are not considered fences.

Financial Institutions and Services: An establishment where the principal **business** is the receipt, disbursement or exchange of funds and currencies, such as a bank, savings or loans association, trust company, credit union, or other **business** association, which is chartered under federal or state law.

Fireworks: Pursuant to § 270.00 of the New York State Penal Law, shall include any blank cartridge, blank cartridge pistol or toy cannon in which explosives are used, firecrackers, torpedoes, skyrockets, roman candles, the type of balloons which require fire underneath to propel the same, bombs, sparklers or other combustible or explosive of like construction or any preparation containing any explosive or inflammable compound or any tablets or other device commonly used and sold as fireworks containing nitrates, chlorates, oxalates, sulphides or lead, barium, antimony, arsenic, mercury, nitroglycerine, phosphorus or any compound containing any of the same or other explosives or any substance or combination of substances or article prepared for the purpose of producing a visible or an audible effect of combustion, explosion, deflagration or detonation or other device containing any explosive substance. The provisions of this definition, however, shall not be deemed to include flares of the type used by railroads or warning lights commonly known as "red flares" or marine distress signals of a type approved by the United States Coast Guard or toy pistols, toy canes, toy guns or other devices in which paper caps containing 0.25 grains or less of explosive compound are used, provided that they are so constructed that the hand cannot come in contact with the cap when in place for **use**, and toy pistol paper caps which contain less than 0.20 grains of explosive mixture, the sale and **use** of which shall be permitted at all times.

Flood Hazard Zone: In accordance with the Village of Aurora Local Law #2 of 2007: Flood Damage Prevention, the Flood Hazard Zone in Aurora shall be synonymous with "**Area of Special Flood Hazard**" as provided below.

1. Area of Special Flood Hazard: The land in the floodplain within a community subject to a one percent or greater chance of **flooding** in any given year. This area may be designated as Zone A, AE, AH, AO, A1-A30, A99, V, VO, VE, or VI-V30. It is also commonly referred to as the base floodplain or 100-year floodplain. For purposes of this Local Law, the term "special flood hazard area (SFHA)" is synonymous in meaning with the phrase "area of special flood hazard."

2. Federal Emergency Management Agency (FEMA): The Federal agency that administers the National Flood Insurance Program.
3. Flood or Flooding: A general and temporary condition of partial or complete inundation of normally dry land areas from: (a) the overflow of inland or tidal waters; (b) the unusual and rapid accumulation or runoff of surface waters from any source.

Flood or flooding also means the collapse or subsidence of land along the shore of a lake or other body of water as a result of erosion or undermining caused by waves or currents of water exceeding anticipated cyclical levels or suddenly caused by an unusually high water level in a natural body of water, accompanied by a severe storm, or by an unanticipated force of nature, such as a flash flood or an abnormal tidal surge, or by some similarly unusual and unforeseeable event which results in flooding as defined in (a) above.
4. Flood Boundary and Floodway Map (FBFM): An official map of the community published by the **Federal Emergency Management Agency** as part of a riverine community's Flood Insurance Study. The FBFM delineates a Regulatory Floodway along water courses studied in detail in the Flood Insurance Study.
5. Flood Hazard Boundary Map (FHBM): An official map of a community, issued by the **Federal Emergency Management Agency**, where the boundaries of the **areas of special flood hazard** have been designated as Zone A but no **flood** elevations are provided.
6. Flood Insurance Rate Map (FIRM): An official map of a community, on which the **Federal Emergency Management Agency** has delineated both the **areas of special flood hazard** and the risk premium zones applicable to the community.

Floor Area: The sum of the gross horizontal area of the several floors of **building**, excluding cellar, basement, and unfinished attic floor areas not devoted to residential **use** or accessed by the public in a **non-residential structure**. Floor area does not include unenclosed **porches** or **accessory structures**.

Frontage: See **Lot Frontage**

Funeral Home: A **building** or part thereof used for human funeral services. Such **building** may contain space and facilities for (a) embalming and the performance of other services used in the preparation of the deceased for burial; (b) the performance of autopsies and other related procedures; (c) the storage of caskets, funeral urns, and other related funeral supplies; (d) the storage of funeral vehicles; and (e) facilities for cremation.

Garden: A plot of ground, including raised beds or containers, operated and maintained by an individual, group, or entity to cultivate trees, herbs, fruits, vegetables, flowers, ornamental foliage, or other plants for **use**, consumption, donation or, when permitted, **accessory** retail sale of goods cultivated **on-site**.

1. Cold Frame: A four-sided frame of boards with a removable glass or plastic top. The frame is placed on the ground and is used to house, protect, and harden off seedlings and small plants, without artificial heat.
2. Community Garden: An area of land operated and maintained by a group of individuals to grow and harvest crops such as trees, herbs, fruits, vegetables, flowers, or other ornamental foliage for the following **uses**: personal **use**, consumption, donation, off-site retail sale or on-site retail sale. Community **gardens** may be divided into separate plots for cultivation by one or more individuals or may be farmed collectively by members of the group and may include common areas maintained and used by group members. The land may be publicly or privately owned.

3. Composting: Processing waste in a controlled environment to produce a stable product by microbiologically degrading organic matter under aerobic conditions.
4. Demonstration Garden: A **garden** located on private property (school, hospital, faith-based organization, workplace) or public property (park, school, and other civic space) in a residential, **commercial**, or mixed **use** area for public demonstration purposes only, gardened by a local government agency, community organization, or business. End products are typically donated to local organizations and food banks and may be sold **on-site** with an approved **farm stand**.
5. Hoop House: A **structure** with structural members that are made of flexible and somewhat rigid construction materials, typically PVC pipe or similar material. The ends may be covered or left open and the material covering the structural members is readily removable and is typically removed and re-affixed frequently. Also known as a high tunnel or a low tunnel.
6. Institutional Garden: A **garden** or orchard located on private or public institutional property (school, hospital, faith-based organization, workplace) in a residential, **commercial**, or mixed-use area, gardened by an organization or business. The process of gardening is typically used for educational, therapeutic, and community service purposes—including but not limited to nutrition education, environmental stewardship, and community ministry. The end products are typically used for donation or consumption and may be sold on- or off-site at an approved **farm stand**, market, or store to financially support the **garden**'s specific activities.
7. Private Garden: An area of land located on a **lot** developed with one or more residences and managed and maintained by an individual or a **family** to grow and harvest crops such as food crops and ornamental crops for personal or **family use**, consumption, donation may be sold **on-site** with an approved **farm stand**.

Gasoline Station: That portion of property where flammable or combustible liquids or gases used as fuel are stored and dispersed for gain from fixed equipment into the fuel tanks of **motor vehicles**. Such an establishment may offer for sale at retail other convenience items as a clearly secondary activity.

Golf Course/Country Club: A facility and **tract** of land laid out with a least nine holes for playing a game of golf and improved with tees, greens, fairways, and hazards, providing a private or public golf **recreation** area designed for executive or regulation play, excluding miniature golf. A golf course may include a clubhouse, restrooms, driving range, and shelters as **accessory uses**; and may also include related retail sales, a **restaurant** and/or cocktail lounge.

Grade Plane: A reference plane representing the average of finished ground level adjoining the **building** at exterior walls. Where the finished ground level slopes away from the exterior walls, the reference plane shall be established by the lowest points within the area between the **building** and the **lot line** or, where the **lot line** is more than 6 feet from the **building**, between the **building** and a point 6 feet from the **building**.

Greenbelt: A series of connected **open spaces** that may follow natural features such as ravines, creeks, or streams; and which may be cultivated or maintained in a natural state surrounding **development** or used as a **buffer** between land uses or to mark the edge of a developed area.

Greenhouse (Structure): A **building** or **structure** where the roof and sides are made largely of glass or other transparent or translucent material and in which the temperature and humidity can be regulated for the cultivation of plants.

Greenhouse/Nursery, Commercial: An operation for the cultivating, harvesting, and sale of plants, bushes, trees, and other nursery items grown on **site** or established in the ground prior to sale, and for related **accessory** sales and **uses**.

Group Home: A facility for social rehabilitation, substance abuse or mental health problems that contains a group housing arrangement that provides **custodial care** but does not provide **medical care**.

1. Custodial Care: Assistance with day-to-day living tasks; such as assistance with cooking, taking medication, bathing, using toilet facilities and other tasks of daily living. Custodial care includes **persons** receiving care who have the ability to respond to emergency situations and evacuate at a slower rate and/or who have mental and psychiatric complications.
2. Medical Care: Care involving medical or surgical procedures, nursing or for psychiatric purposes.

Habitable Floor Area: The total **floor area** devoted to **habitable space** of a **building**, above finished grade, measured from the outside dimensions of the exterior walls used for **dwelling** purposes, and excluding all non-**dwelling** areas such as an attic, storage, carport, cellar, and/or garage.

Habitable Space: A space in a **building** for living, sleeping, eating or cooking. Bathrooms, toilet rooms, closets, halls, storage or utility spaces and similar areas are not considered habitable spaces.

Handicap: As defined in the United States Fair Housing Act: "Handicap" means, with respect to a **person**--(1) a physical or mental impairment which **substantially** limits one or more of such **person's** major life activities, (2) a record of having such an impairment, or (3) being regarded as having such an impairment, but such term does not include current, illegal **use** of or addiction to a controlled substance (as defined in section 102 of the Controlled Substances Act (21 U.S.C. 802)).

Health Care Facility: As used in this Local Law, the term Health Care Facility defines a facility where patients are treated or attended to by medical practitioners that include but are not limited to-- physicians, dentists, physical or occupational therapists, chiropractors, laboratory tests and diagnostic (X-ray, MRI, etc.) testing.

Hedgerow: A row of trees and other vegetation along a property line, typically associated with a farm.

Home Occupation: An activity carried on in a **dwelling unit** or in a **building** or other **accessory structure** to a **dwelling unit**, for profit, by members of the immediate **family** residing in that **dwelling unit**; and which activity is clearly incidental to the **principal use** of any **dwelling**. In particular, a home occupation includes the following or similar **uses**: accountant, billing service, or bookkeeper; answering service; architect or engineer; **artist** or graphic designer studio; author or writer; auto repair; beauty or barber shop; **business** support service; massage therapist; consultant service; dressmaking or tailor shop; financial planner; foundation or not-for-profit (educational/philanthropic/research); handcrafts shop; lawyer; mailing service; management consultant; photographer; software engineer or **developer**; tutor and/or educational services (of not more than four (4) pupils simultaneously); web designer; word processing service; gun and ammunition sales, repair, or manufacture; heavy equipment repair and storage; monument or stone cutting sales and service; welding services; or taxidermy. The following **uses** are not considered to be home occupations: shooting ranges using either guns or archery equipment; and auto sales.

Hydrocarbon Resources: **Resources** that contain hydrocarbon molecules which means it consists of both hydrogen and carbon. Hydrocarbon **resources** are often known as fossil fuels (natural gas, oil, and coal) since hydrocarbons are the primary constituent in these.

Industrial: Of, relating to, concerning, or arising from the assembling, fabrication, finishing, manufacturing, packaging, or processing of goods.

1. Light Industrial: **Uses** engaged in the manufacture, predominantly from previously prepared materials of finished products or parts, including processing, fabrication, assembly, treatment, packaging, incidental storage, sales, or distribution of such products. Further, “light industrial” shall mean **uses** such as the manufacture of electronic instruments, pharmaceutical manufacturing, research and scientific laboratories, or the like. “Light industrial” shall not include **uses** such as mining and extracting industries, petrochemical industries, rubber refining, primary metal, or related industries. Light industrial enterprises shall have limited external effects.
2. Medium Industrial: **Industrial** enterprises with moderate external effects such as smoke, noise, soot, dirt, vibration, **odor**, etc.
3. Heavy Industrial: **Industrial** enterprises with significant external effects, or which pose significant risks due to the involvement of explosives, radioactive materials, poisons, pesticides, herbicides, or other hazardous materials in the manufacturing or other process.

Impervious Surface: Any material which prevents, impedes, or **substantially** slows infiltration or absorption of **stormwater** directly into the ground at the rate of absorption of vegetation-bearing soils, including **building**, asphalt, concrete, compacted gravel, and other surfaces.

Inn: Any **building** or group of **buildings** in which there are twelve (12) or fewer guest rooms, used for the purpose of offering public transient lodging accommodations on a daily rate to the general public and providing additional services such as **restaurants**, meeting rooms and **recreational** facilities. An Inn is not the same as a **bed and breakfast** in that the **building** does not need to be a **one-family dwelling unit** and the **owner/operator** does not need to live in the **building**.

Institution: A facility that provides a public service and is operated by a federal, state, or local government, public or private utility, school, church or similarly recognized and legally established sect, public agency, tax exempt organization, or quasi-public organization.

Institutional Use: The **use** of land, **buildings**, or **structures** with the intended provision for public, semi-public and non-profit services, amenities, activities, or venues including but not limited to public or non-profit schools, research centers, **conference centers**, libraries, museums and art galleries, office space, **community centers**, **recreation** areas, and medical centers. This term shall not include reform schools, prisons, and hospitals.

Interior walk: A **right-of-way** for pedestrian **use** extending from a **street** into a **block** or across a **block** to another **street**.

In-Water Structure: Any **pier**, wharf, **dock**, **boat hoist**, breakwater, permanent mooring **structure**, permanently moored floating vessel, pilings, swim platform, aid to navigation, or other obstacle or obstruction.

Junk: Any worn out or discarded materials including but not necessarily limited to scrap metal, inoperable **motor vehicles** and parts, construction material, household wastes, including garbage and discarded appliances, and **yard** debris.

Junkyard: Any parcel of land or portion thereof, including any **accessory structure** thereon, which is used for buying, selling, storing, baling, packing, disassembling, or handling waste, discarded, or scrap materials. Such scrap materials include, but are not limited to, vehicles,

machinery, and equipment not in operable condition, and metals, glass, paper, plastics, rags, and rubber tires. A **lot** on which three or more inoperable vehicles are stored shall be deemed a junkyard. A junkyard includes a **motor vehicle** wrecking yard.

Landscaping: The modification of the landscape for an aesthetic or functional purpose. It includes the preservation of existing vegetation and the continued maintenance thereof together with grading and installation of planting materials, including but not limited to trees, shrubs, ground covers, grass, flowers, decorative rock, bark, mulch, and other similar materials.

Landmark: A historically or aesthetically significant **building**, topographic feature or **site**.

Laundromat: A **business** that provides washing, drying, and/or ironing machines for hire to be used by customers on the premises.

Light Trespass: The shining of light produced by a **luminaire** beyond the boundaries of the property on which it is located that illuminates **adjacent** grounds or **buildings** in an objectionable manner.

1. Footcandle: The unit of measurement used to quantify the amount of light falling on a surface. One footcandle is the illuminance produced by a candle on a surface one foot square from a distance of one foot.
2. Lumen: The unit of measurement used to quantify the amount of light produced by a lamp or emitted from a fixture (as distinct from "watt," which is a measurement of the electrical power). For the purposes of this Local Law, measurements in lumens shall refer to "initial lamp lumens" (as opposed to "maintained lamp lumens") as rated by the manufacturer when the lamp is new, as listed on the packaging.
3. Luminaire: The complete lighting assembly that houses the lamp or lamps and can include all or some of the following parts: a housing, a mounting bracket or pole socket, a lamp holder, a ballast, a reflector or mirror, and/or a refractor or lens; also called the lighting fixture.

Littoral Line: Lines drawn on a survey or other property map as extensions of upland property lines at the high-water mark into a body of water to the distance where navigable water can be reached. These lines are used to identify the area where the **littoral rights** of a property **owner** exist also referred to as the **littoral zone**. Littoral lines and **littoral zones** are not an extension of **ownership** of land, they define the area where a **landowner** has the right to access navigable waters.

Littoral Rights: Littoral rights pertain to **landowners** right to access navigable water from their land that borders navigable lakes. **Landowners** with littoral rights have unrestricted access to the waters but own the land only to the **mean low water mark**. After this point, the land is owned by the People of the State of New York.

Littoral Zone: Littoral zone means that part of the lake that extends from the **mean high-water mark** and continues to a depth where sufficient light for plant growth reaches the sediments and the lake bottom. This area is usually that portion of the lake that is less than 15 feet in depth. Littoral zone boundaries are established by right angle projections from a baseline established along the shoreline at the intersection of the high-water line and the side boundary of each property (Colonial or Practical method).

Lot: A **tract** or parcel of land occupied or intended to be occupied, or capable of being occupied, by a permitted **principal building** or a group of such **buildings** and **accessory buildings**, or utilized for a **principal use** and **uses accessory** or incidental to the operation thereof, together with such **open spaces** as are required by this Local Law.

1. Lot Area: The total area contained within the property lines of an individual parcel of land, excluding any area within an existing **street right-of-way**.
2. Lot, Corner: A parcel of land at the junction of and fronting on two or more intersecting **streets**.
3. Lot Coverage: The percentage of the **lot** covered by **buildings, structures**, and all other impervious materials.
4. Lot Depth: The average distance between the front and the **rear lot lines**.
5. Lot, Flag: A **lot** not meeting minimum **lot frontage** requirements and where access to a public or **private street** is provided by means of a long, narrow **driveway** between abutting **lots**.
6. Lot Frontage: A **lot line** that is coincident with the **right-of-way** line of a **public street** or which is measured twenty-five (25) feet from the center line of a **private street**.
7. Lot Line: The property lines bounding the **lot**.
 - a. Lot Line, Front: The property line dividing a lot from an existing or dedicated **public** or **private street**, and in the case of a **corner lot**, it shall be the shortest dimension on a **street**, and from which the required **front setback** is measured.
 - b. Lot Line, Rear: The **lot line** opposite and most distant from the **front lot line**.
 - c. Lot Line, Side: Any **lot line** other than a front or **rear lot line**. A side **lot line** separating a **lot** from a **street right-of-way** is called a side **street lot line**.
8. Lot, Reverse Frontage: A **lot** extending between a **major street** and a **local street** with vehicular access solely from the latter.
9. Lot, Interior: A **lot**, not on a corner, abutting two (2) parallel, or approximately parallel, **streets**.
10. Lot, Through: See **Interior Lot**.
11. Lot Width: The width of the **lot** between **side lot lines** at the front **building** line as prescribed by the front **setback** regulations.

Manufactured Home: As used in this Local Law, the terms manufactured home or mobile home are defined by the terms of the Residential Code of the NYS Uniform Fire Prevention and **Building** Code Chapter 2 Section R202 as adopted or hereafter amended. The terms "mobile home" and "manufactured home" shall not include any self-propelled **recreational vehicle** or **Park Model Recreational Unit**.

Marina: A **dock** or basin providing secure moorings for **boats** and/or offering supply, repair, and other **boat-related** facilities.

Mean High-Water Mark: The approximate average high-water level for a given body of water at a given elevation, determined by reference from survey datum provided by the United States Geological Service (USGS). According to the New York State Department of Environmental Conservation, Division of Environmental Permits, the Mean High-Water Mark for Cayuga Lake is 383.5 feet NGVD(29).

Mean Low-Water Mark: In New York State the courts have established the "low-water mark" (LWM) as the location of the limit of sovereign title for State-owned freshwater lakes. As of 2016, according to the New York State Office of General Services (OGS) the mean low-water mark for Cayuga Lake is 381.4 feet (Barge Canal Datum).

Mixed-Use Development: The **development** of a **tract** of land or **building** or **structure** with two or more different **uses** such as but not limited to residential, **professional office**, **retail business establishment**, public, or entertainment, in a compact urban form.

Motor Vehicle: All vehicles propelled or drawn by power other than muscular power originally intended for **use** on public highways, including but not limited to automobiles, motorcycles, trucks or **trailers**.

Motor Vehicle Sales: The **use** of any **building** or portion thereof, or other premises or portion thereof, for the display, sale, rental, or lease of new or used **motor vehicles**, **boats**, **trailers** (as defined elsewhere in this Local Law), or farm equipment of all types. This **use** may also include any warranty repair work and other repair service conducted as an **accessory use**.

Motor Vehicle Service Station: Any **building**, **structure**, improvements, or land used for the repair and maintenance of **motor vehicles**, motorcycles, trucks, **trailers**, **recreational vehicles**, **boats**, or similar vehicles including the sale, installation, and servicing of equipment and parts. This **use** includes muffler shops, auto repair garages, tire sales and installation, wheel and brake shops, body and fender shops, and similar repair and service activities, but excludes dismantling or salvage. **Gasoline stations**, as defined elsewhere in this Local Law, are not considered motor vehicle service stations and as such as not included in this definition.

Municipal/Public Facility: Any facility, including but not limited to **buildings**, property, **recreation** areas, and roads, which are leased or otherwise operated or funded by a governmental body or public entity.

Native Species: A species that normally lives and thrives in a particular ecosystem. This can include any species that developed with the surrounding habitat and can be assisted by or affected by a new species. Native species are not considered **invasive species**.

1. Invasive Species: Any species, including its seeds, eggs, spores, or other biological material capable of propagating that species, that is not native to that ecosystem; and whose introduction does or is likely to cause economic or environmental harm or harm to human health.

Nature Conservatory: A **greenhouse** for growing and or displaying plants. This term may be interpreted synonymously with **botanical garden**.

Neighborhood: A residential **development** or **mixed-use development** where the primary **use** is residential housing.

Neighborhood Character: The atmosphere or physical environment which is created by the combination of land **use** and **buildings** within an area. "**Neighborhood** character" is established and influenced by land **use** types and intensity, traffic generation and by the location, size, and design of **structures** as well as the interrelationship of all these features.

Non-Conforming Lot, Structure, or Use:

1. Non-Conforming Structure or Lot: A **structure** or **lot** that does not conform to a dimensional regulation prescribed by this Local Law for the **zoning district** in which it is located or to regulations for off-**street parking**, off-**street** loading, or **accessory buildings**, but which **structure** or **lot** was in existence at the effective date of this Local Law and was lawful and/or unregulated at the time it was established.
2. Non-Conforming Use: A **use** of a **building** or **lot** that does not conform to a **use** regulation prescribed by this Local Law for the **zoning district** in which it is located, but that was in existence at the effective date of this Local Law and was lawful and/or unregulated at the time the **use** was established.

Non-Residential Use: All **uses** of land and/or **buildings** except **one-family dwellings, two-family dwellings** and **multi-family dwellings**.

Nursing/Convalescent Home: A facility where elderly, sick, invalid, infirm, or convalescent **persons** are housed or provided lodging, furnished with meals and long-term nursing care and related medical services on a 24-hour per day basis to two or more individuals. Such a facility may be established for profit or nonprofit and provides care for those **persons** not in need of hospital care.

Odor, Discernible Obnoxious: The emitting of an **odor** from a property, equipment, machinery and/or vehicles and disperses or is likely to disperse to one or more other properties and is of such emission that it causes a nuisance to a reasonable **person**.

1. Discernible: Able to be perceived by a sense (such as sight or smell) or by the mind and capable of being discerned. If something is discernable, you can "discern" it — you can see it, smell it, taste it, or otherwise tell what it is.
2. Odor: A distinctive smell.

Office, Professional: The office of a member of a recognized profession maintained for the conduct of **business** in any of the following categories: architectural, engineering, planning, law, interior design, accounting, insurance, real estate, medical, dental, optical, or any similar type of profession.

Open Space: An area or areas of a **lot**, including required **setbacks**, which are:

1. Open and unobstructed from ground to sky, except by facilities specifically designed, arranged, and intended for **use** in conjunction with passive or active **outdoor recreation** or relaxation.
2. Landscaped, maintained, or otherwise treated to create a setting appropriate to **recreation** or relaxation.
3. May be accessible and usable by the general public, **business** patrons or residents of all **dwellings** or stores it is intended or required to serve.

Outdoor Sales and Displays: Includes **uses** which sell, rent, or display merchandise or equipment predominantly outside of an enclosed **building**. Such **uses** do not include the storage of inoperative vehicles or equipment, or other materials typically associated with a **junkyard** or salvage yard.

Outdoor Storage: The storage of personal or **business** property, including **motor vehicles**, in any outdoor location not designated and approved as a retail sales display. The term "outdoor storage, commercial" shall be interpreted the same as "outdoor storage" above where the items being stored are clearly related to a **commercial** enterprise/**business** in that the items are either property of the **business** or are being stored for a fee paid by customers to the **business** (e.g. customers pay to have their **boats** wrapped and stored outdoors for the winter).

Owner: An individual, firm, association, organization, partnership, trust, entity, corporation, or company holding title to real property, **structures**, or assets referenced herein.

Owner's Agent: Any **person**, company, corporation, or other entity that has the authority to act on behalf of or in the place of the **owner**.

Park: A public or private area of land, with or without **buildings**, developed either for passive or active **recreational** activities. The **development** may include but shall not be limited to walkways, benches, open fields, multi-**use** courts, swimming and wading pools, amphitheaters, etc. The term "park" shall not include zoos, campground, RV parks, amusement parks, or vehicle, equestrian, or dog racing facilities. A park is a type of **outdoor recreation** facility.

Park Model Recreational Unit: A Park Model Recreational Unit is transportable and primarily designed for long-term permanent placement on a **site**. When set-up, park model units are to be connected to utilities which are necessary to operate fixtures and appliances, they are not self-contained as an RV. Because of its more permanent nature, park model recreational units may only be located in an approved **recreational vehicle park**.

Parking Area: Any public or private land area designed and used for parking **motor vehicles** including **parking lots**, garages, private **driveways**, and legally designated areas of **public streets**.

Parking Lot: An open, hard-surfaced area, other than **street** or public way, to be used for the storage, for limited periods of time, of operable passenger and/or **commercial motor vehicles**, and available to the public, whether for compensation, free, or as an accommodation to clients or customers.

Parking Space: An off-**street** space within a public or private **parking area**, exclusive of access drives or aisles, available for the storage of one properly spaced **motor vehicle** conforming to the typical **parking lot** standards as provided in Article XI of this Local Law.

Patio: A level, surfaced area usually made of concrete, brick, or other masonry material, directly **adjacent** to a **principal** or **accessory building** at or within three feet of the finished grade, without a permanent roof intended for outdoor lounging, dining, and the like. The term patio and **terrace** are often interchangeable in this context.

Pavement: That portion of a **street**, road, highway, **driveway**, **alley**, or **parking lot** intended for vehicular **use**.

Pedestrian-Scale: The proportional relationship between the dimensions of a **building** or **building** element, **street**, outdoor space, or streetscape element and the average dimensions of the human body, taking into account the perceptions and walking speed of a typical pedestrian. Pedestrian-scale also means design and construction considerations based upon the scale of a human being which imbue occupants and users of the built environment with a sense of comfort and security.

Permit: A document issued by the **Zoning Officer** allowing a **person** to begin an activity provided for in this Local Law.

1. Permit, Building: A **permit** issued by the duly designated Village official authorizing the erection, construction, reconstruction, **alteration**, repair, conversion, or maintenance of any **building, structure**, or portion thereof. Such a **permit** shall not be issued without the signature of the **Code Enforcement Officer**, certifying compliance with this Local Law.
2. Permit, Occupancy: The written approval of the **Code Enforcement Officer** certifying that a newly constructed **structure**, addition to an existing **structure**, or existing **structure** undergoing a **change of use** is in full compliance with the provisions of this Local Law and that such **structure** is habitable, usable for its intended purposes, and in conformance with all applicable sections of the NYS Uniform Fire Prevention and **Building Code**. Also referred to as a **Certificate of Occupancy**.
3. Permit, Zoning: A statement, signed by the **Zoning Officer**, setting forth that a **building, structure**, or **use** complies with the zoning law and that the same may be used for the purposes stated on the **permit**. Also referred to as a certificate of zoning compliance.

Permitted Use: A specific main **use** of a **building, structure, lot** or land or part thereof which this Local Law provides for in a particular **zoning district** or as a matter of right. Any **use** which is not listed as a permitted as-of-right, permitted as-of-right subject to certain conditions, or permitted with a **Special Use Permit** shall be considered a **prohibited use**.

Person: Includes corporations, companies, associations, societies, firms, entities, and partnerships, as well as individuals.

Personal Service Establishment: An establishment or place of **business** primarily engaged in the provision of frequent or recurrent needed services of a personal nature. Typical **uses** include, but are not limited to, beauty and barber shops, shoe repair shops, and tailor shops.

Physical Fitness Center: A facility where members or non-members **use** equipment or space for the purpose of physical exercise. This term includes but is not limited to athletic clubs, gyms, fitness centers, yoga studios and similar establishments.

Pier: Any permanent **structure** extending out into the water for the purpose of providing a berthing place for vessels.

Place of Worship: Land including **structures** thereon for public worship and/or religious services. Includes additional **buildings** which serve as a **one-family dwelling unit** for religious leaders.

Plat: A subdivision map or plan showing **lots, blocks** or **sites** with or without **streets**.

1. Plat, Final: A drawing or drawings, in final form, showing a proposed subdivision, containing all information or details required by law and by this Zoning Law to be presented to the Planning Board for approval and which, if approved, may be duly filed or recorded by the **applicant** in the office of the County Clerk.
2. Plat, Preliminary: A drawing or drawings, clearly marked “preliminary plat”, showing the significant features of a proposed subdivision, as specified in Article XIV of this Local Law, submitted to the Planning Board for the purposes of consideration prior to submission of the **plat** in final form and of sufficient detail to apprise the Planning Board of the layout of the proposed subdivision.

Porch: A roofed open area, which may be glazed or screened, usually attached to or part of and with direct access to or from a **building**. A porch becomes a room when the space enclosed is heated or air conditioned and, if glazed, when the percentage of window area to wall area is less than fifty (50) percent.

Practicable: Capable of being done, effected, accomplished, or put into practice after taking into consideration reasonable cost, existing technology, and logistics in light of overall project purposes.

Private Club: Any organization catering to members and their guests, or a **building** or premises used for purposes such as, social gathering, **recreational use**, associative training, indoor or outdoor athletic **use** or other purposes not open generally to the public. Clubs shall not be conducted primarily for gain, and vending stands, merchandising, or **commercial** activities shall not be conducted except as required for the membership and purposes of such club. For the purpose of this Local Law, this term shall include: religious organizations; lodges; fraternal organizations; mutual benefit societies; snowmobiling, archery or hunting clubs; and other similar organizations.

Prohibited Use: A **use** of a **building, structure, lot** or land or part thereof which is not listed in this Local Law for a particular **zoning district** as a permitted as-by-right, permitted as-of-right subject to certain conditions, or permitted with a **Special Use Permit**.

Public Utility, Essential Service: Services provided by public and private utilities, and/or companies necessary for the **principal use** or service of the principal **structure**. These services include underground, surface, or overhead gas, electrical, steam, water, sanitary sewerage, **stormwater** drainage, and communication systems and accessories thereto, such as poles, towers, wires, mains, drains, vaults, culverts, laterals, sewers, pipes, catch basins, water storage

tanks, conduits, cables, fire alarm boxes, police call boxes, traffic signals, pumps, lift stations, hydrants, and **utility substations** but not including **buildings** used or intended to be used for human habitation. This term does not include **Solar Energy Systems** or **Wind Energy Systems** which are defined elsewhere in this Local Law.

Pyrotechnics: Controlled exothermic chemical reactions that are timed to create the effects of heat, gas, sound, dispersion of aerosols, emission of visible electromagnetic radiation, or a combination of these effects to provide the maximum effect from the least volume.

Recreation: The refreshment of body and/or mind through forms of play, amusement, or relaxation. The recreational experience may be active, such as **boating**, fishing, and swimming, or may be passive, such as enjoying the natural beauty of the shoreline or its wildlife. Recreation activities may take place indoors or outdoors.

1. Recreation, Indoor: A **commercial** recreational land **use** conducted entirely within a **building**. Typical **uses** may include, but are not limited to an arcade, arena, bowling alley, gymnasium, pool or billiard hall, skating rink, swimming pool, or tennis court.
2. Recreation, Outdoor: A **commercial** recreational land **use** conducted almost wholly outdoors. Typical **uses** may include, but are not limited to trails, athletic fields, basketball courts, batting cages, **golf course** and driving ranges, laser tag, miniature golf, motorized cart and motorcycle tracks, motorized model airplane flying facilities, paintball, swimming pools, tennis courts, and skateboard **parks**. This term also includes a private **park**.

Recreational Vehicle (RV): A vehicle built on a single chassis, containing 400 square feet or less when measured at the largest horizontal projections; designed to be self-propelled or permanently towed by a **motor vehicle**; and able to have movement on roadways without an oversized load **permit** (less than 8 feet wide). A recreational vehicle is not designed or intended for **use** as a permanent **dwelling**, but as temporary living quarters for recreational camping, travel, or **seasonal use**. This definition includes vehicles such as travel **trailers**, motor homes, **boats**, house **boats**, and campers; but shall not include the term **Park Model Recreational Unit** as defined elsewhere in this Local Law.

Registered Vehicle: A licensed, insured and inspected vehicle.

Religious Institution: A **building used** as a church, **place of worship**, or religious assembly, with or without related **accessory buildings** or **uses** such as the following in any combination: rectory or convent, **private school**, meeting hall, offices for administration of the **institution**, licensed child or adult daycare, playground, or **cemetery**, where **persons** regularly assemble for religious purposes and related social events, which is maintained and controlled by a religious body organized to sustain religious ceremonies and purposes.

Residential Property: Lands with permanent **structures used** to provide housing for one or more **persons**.

Resource: Refers to any particular thing that is valued by humans because it has the ability to meet a certain need or desire. Resources can be natural or manmade. The term Natural Resources is intended to include all the various individual types of naturally occurring resources that exist on earth both undiscovered and discovered.

Restaurant: A **commercial** establishment where food and beverages, whether alcoholic or not, are prepared, served, and consumed primarily within the **principal building** and where food sales constitute at least 51% of the gross sales receipts for food and beverages.

Retail Business Establishment: A place of **business** devoted in whole or in part to the sale, rental, or servicing of goods or commodities which are normally delivered or provided on the premises to a consumer. Typical categories of goods and services provided by retail **business**

establishments include, but are not limited to **artist** and hobby supplies, auto supply stores, books, clothing and clothing accessories, food and liquor, flowers, furniture sales, **garden** supplies, gifts, hardware and paint, household goods and appliances, newspapers and stationery, pharmacy and medical supplies, sporting goods, and variety goods. The limited production of such goods, which are primarily intended for retail sale on the premises, shall be permitted provided that such production is a necessary adjunct of the retail establishment.

Retaining Wall: A wall or **terraced** combination of walls used to retain or restrain lateral forces of soil or other materials and not used to support, provide a foundation for, or provide a wall for a **building** or **structure**.

Right-of-Way: An area of land acquired by dedication or condemnation and intended for **use** as a public or private way to accommodate a transportation network. In addition to the roadway, a right-of-way normally incorporates the curbs, lawn strips, sidewalks, lighting, and drainage facilities; and may also accommodate necessary **public utility** infrastructure (including but not limited to water lines, sewer lines, power lines, and gas lines.) In no case shall a right-of-way be construed to mean an **easement**.

Roomer, Boarder, or Lodger: A non-transient **person** occupying any room or group of rooms forming a single habitable unit used or intended to be used for living and sleeping, but not for cooking or eating purposes, and paying compensation for lodging or for board and lodging. A **person** occupying such accommodations for less than a week shall be as a guest of a **commercial** lodging establishment (**inn, hotel, or bed and breakfast**).

Rooming House: An **owner**-occupied **dwelling** in which not more than five (5) sleeping rooms are provided for definite periods of time including for weeks, months or years for compensation pursuant to previous arrangements, but not open to public or overnight guests, and wherein no dining facilities are maintained for the **lodger**, as distinguished from a **boarding house**. Such **use** shall not be construed as a **Bed and Breakfast**.

Sanitary: A condition of good order and cleanliness to minimize the possibility of disease transmission.

Screening: A method of reducing the impact of noise, glare and unsightly visual intrusions with less offensive or more harmonious elements, such as plants, berms, **fences**, walls or any appropriate combination thereof.

SEQRA: Abbreviation for the State Environmental Quality Review Act adopted by New York State and administered by the New York State Department of Environmental Conservation (NYS DEC). This State Act requires local legislators and land **use** agencies to consider, avoid, and mitigate significant environmental impacts of the projects that they approve, the plans or regulations that they adopt, and the projects they undertake directly.

1. State Environmental Quality Review (SEQR): The process that reviewing boards must conduct to determine whether proposed projects may have a significant adverse effect on the environment and, if they do, to study these impacts and identify alternatives and mitigate conditions that protect the environment to the maximum extent possible.
 - a. Environmental Assessment Form (EAF): A form completed by an **applicant** to assist an agency in determining environmental significance of a proposed action. A properly completed EAF must contain enough information to describe the proposed action, its location, purpose, and potential impacts on the environment.
 - b. Environmental Impact Statement (EIS): A written draft or final document prepared in accordance with the **SEQRA**. An EIS provides a means for agencies, project sponsors, and the public to systematically consider significant adverse environmental impacts, alternatives, and mitigation strategies.

Setback: The least required horizontal distance between a **lot line**, and any **structure** on the **lot** measured at the shortest point, including **terraces**, **porches**, or any covered projection thereof, but excluding **steps** and ramps; except that the **front setback** shall be measured from the centerline of the road to the closest point of the **building**. All setback lines shall be drawn parallel to their respective **lot lines** regardless of the shape of the **lot**.

Sewer, Private: A septic tank disposal system generally providing for disposal of effluent for one (1) **building** or a group of **buildings** on a single **lot**.

Sewer, Public: A municipally owned sewer system in which sewage is collected from **buildings** and piped to an approved sewage disposal plant.

Sight Distance: The maximum extent of unobstructed vision (in a horizontal or vertical plane) along a **street** from a **motor vehicle** located at any given point on the **street**, as determined by standards established by New York State Department of Transportation.

Sight Distance Triangle: An area of land at the intersection of **streets**, or a **street** and a **driveway**, within which nothing may be erected, planted, placed, or allowed to grow in a manner which will obstruct the vision of motorists entering or leaving the intersection.

Sign: Any **structure** or part thereof or any device or material attached to a **structure** or painted or represented on a **structure** which shall display or include any letter, word, model, banner, flag, pennant, insignia, device or representation used as or which is to be in the nature of an announcement, direction or advertisement. A "sign" includes any billboard. A "sign" does not include temporary real estate "for sale", A-shaped signs, political campaign signs, or paper posters announcing temporary events, provided that such are not in excess of four square feet (length by width). See Article XII of this Local Law for more specific definitions related to signs.

Site: A **lot** or group of contiguous **lots** not divided by any **alley**, **street**, other **right-of-way** or the Village limit that is proposed for **development** or an authorized **use** hereunder in accordance with the provisions of this Local Law and is in a single **ownership** or has multiple **owners**, all of whom join in an **application** for **development** and or **use** and/or occupation.

Site Plan: A plan of a **lot** or subdivision on which is shown topography, location of all **buildings**, **structures**, roads, **rights-of-way**, boundaries, all essential dimensions and bearings and any other information deemed necessary by the Planning Board.

Site Plan Review: Authority delegated to the Planning Board by the Village Board of Trustees, which enables the Planning Board to approve, approve with conditions, or disapprove the **site development** plans for all **buildings** or **uses** where site plan review is required.

Sketch Plan: The first step in the **site plan review** process, often referred to as a concept plan. Sketch plans shall be provided and reviewed in accordance with the requirements in Article XIII of this Local Law.

Solar Energy System: Means a renewable energy project that either (a) generates electricity from sunlight, consisting of one or more photovoltaic (PV) systems and other appurtenant **structures** and facilities within the boundaries of the **site**, or (b) utilizes sunlight as an energy source to heat or cool **buildings**, heat or cool water, or produce electrical or mechanical power by means of any combination of collecting, transferring, or converting solar-generated energy.

1. **Non-Utility Scale Solar Energy System:** Also referred to as **Accessory Solar Energy Systems**. An **accessory use** is defined as a secondary activity incidental to the primary **use** of the property. Non-utility solar energy systems are designed for a home, **business**, or **agricultural use** where the primary **use** of the property is either household living, a **commercial** activity, or an agricultural activity; and the energy produced by the solar

system provides electricity directly to the **building** or **buildings** on **site** for the **principal use** of the property. Non-utility solar energy systems have a rated capacity of anything under 25 kilowatts and are designed to meet the specific energy needs of the **principal use**. Non-utility scale solar energy systems may be rooftop installations, or freestanding installations that are either ground- or pole-mounted. Non-utility scale solar energy systems must meet at least one of the following criteria: (1) Is mounted on or over a **building, parking lot**, or other previously disturbed area; or (2) Utilizes integrated PV only.

2. Utility Scale Solar Energy System: Considered a **public utility** and developed as a primary land **use**. Utility scale solar energy systems are typically freestanding, and the principal economic function of the land hosting a utility scale solar energy system is producing solar power for off-**site** consumption. Utility scale solar energy systems have a minimum rated capacity of 25 kilowatts, but are usually multiple megawatts, and may cover anywhere from tens to thousands of **acres** of land. These installations primarily supply power for off-**site** consumption through the electrical grid. Also referred to as a “solar farm”.

Spa: A **commercial** establishment that promotes health and wellness through the provision of therapeutic and other professional services aimed at renewing the body, mind and spirit, including but not limited to bathing, exercising, acupuncture and herbal medicine, chiropractic, massage and spa treatments, reflexology, Reiki, and Yoga.

Special Use Permit: A document issued by the Village Planning Board evincing an approval of a **use**, or **uses**, which, because of its/their unique characteristics, require(s) special consideration in each case by the Planning Board to assure that the proposed **use** is in harmony with the purpose and intent of the **zoning district** in which it is proposed; is subject to and will meet certain prescribed criteria and standards along with any others required by the Planning Board; and will not adversely affect the **neighborhood** if such requirements are met. All **uses** identified in the **Use Table** in Section 4.05 of this Local Law must receive approval from the Planning Board of a **Special Use Permit** in accordance with the provisions and criteria in Article VI of this Local Law before a **zoning permit** can be issued by the **Zoning Officer**.

State Pollutant Discharge Elimination System (SPDES): In accordance with 6 NYCRR Part 750-1.2 Environmental Conservation Law, SPDES means the system established by New York State for the issuance of **permits** authorizing discharges to the **waters of the State**.

Steep Slope: Natural ground slopes exceeding 15%.

Steps: A flat surface, especially one in a series, on which to place one's foot when moving from one level to another.

Stormwater: In accordance with 6 NYCRR Part 750-1.2 Environmental Conservation Law, stormwater means the portion of precipitation that once having fallen to the ground, is in excess of the evaporative or infiltrative capacity of soils, or the retentive capacity of surface features, which flows or will flow off the land by surface runoff to **waters of the State**. Stormwater is also described as water from rain or melting snow that doesn't soak into the ground but runs off into waterways. It flows from rooftops, over paved areas and bare soil, and through sloped lawns while picking up a variety of materials on its way. The quality of runoff is affected by a variety of factors and depends on the season, local meteorology, geography, and land **use**.

Stormwater Pollution Prevention Plan (SWPPP): A project specific report, including construction drawings, that among other things: describes the construction activity(ies), identifies the potential sources of pollution at the construction **site**; describes and shows the **stormwater** controls that will be used to control the pollutants (i.e. erosion and sediment controls; for many projects, includes post-construction **stormwater** management controls); and identifies procedures the **owner or operator** will implement to comply with the terms and

conditions of a required NYS DEC **State Pollutant Discharge Elimination System (SPDES)** Permit for Construction Activity (GP-0-10-001). SWPPPs provide a project specific plan for implementing the following practices: reduction or elimination of erosion and sediment loading to waterbodies during construction; control of the impact of **stormwater** runoff on the water quality of the receiving waters; control of the increased volume and peak rate of runoff during and after construction; and maintenance of **stormwater** controls during and after completion of construction. A NYS DEC SPDES **permit** and SWPPP are required for any construction activities that disturb one (1) or more **acre** of land.

1. **Owner or Operator**: Means the **person, persons** or legal entity which owns or leases the property on which the construction activity is occurring; an entity that has operational control over the construction plans and specifications, including the ability to make modifications to the plans and specifications; and/or an entity that has day-to-day operational control of those activities at a project that are necessary to ensure compliance with the **permit** conditions. This definition is specific to SWPPPs and SPDES **permits** as defined above and taken from Appendix A of the GP-0-10-001 document.

Story: That portion of a **building** enclosed between the surface of any floor and the surface of the floor next above it, or if there is no floor above it, then the space between any floor and the ceiling next above it.

Street: A strip of land, including the entire **right-of-way**, intended for **use** as a means of vehicular and pedestrian circulation. Streets are classified as **major, secondary, collector, local, private, and public**.

1. **Alley**: A minor **right-of-way** providing secondary vehicular access to the side or rear of two or more properties.
2. **Cul-de-sac**: A **local street** intersecting another **street** at one end and terminated at the other end by a vehicular turn around.
3. **Street, Collector**: Those **streets** that, in addition to giving access to abutting properties, intercept **local streets** and provide routes carrying considerable volumes of traffic to community facilities and to **major streets**.
4. **Street, Dead End**: See **Cul-de-sac**.
5. **Street, Local**: Those **streets** used primarily to provide access to abutting property.
6. **Street, Major**: A **street** which serves or is designed to serve heavy flows of traffic and which is used primarily as a route for traffic between communities and/or other heavy traffic generating areas.
7. **Street, Minor**: A **street** intended to serve primary access to abutting properties.
8. **Street, Private**: A **street** owned and maintained by private **persons**.
9. **Street, Public**: A **street** dedicated to public **use** and maintained by public funds.
10. **Street, Secondary**: See **Alley, Cul-de-sac, Local Street, Collector Street**.

Street Line: The dividing line between the **street** and the **lot**. The **street line** shall be the same as the legal **right-of-way** provided that where a future **right-of-way** width for a road or **street** has been established that width shall determine the location of the **street line**.

Street Pavement: The wearing or exposed surface of the roadway used by vehicular traffic.

Street Width: The width of the **right-of-way**, measured at right angles to the centerline of the **street**.

Structure: A combination of materials assembled, constructed or erected, including but not limited to **buildings, decks**, platforms, portable storage containers, and sheds requiring location on the ground or attachment to something having location on the ground. (See also **accessory structure**.) Regardless of this definition, the following shall not be considered a structure: **driveways**, bird houses, mailboxes, lampposts, **retaining walls, fences** less than five (5) feet in height above the average natural grade, and **parking lots**. Temporary and easily removable/portable items such as pool/**deck steps**, inflatable pools under three (3) feet in height and similar items which are not permanently affixed to the ground or another structure, and which do not require a **building permit** are also not considered structures for the purposes of this Local Law.

Subdivider: The **owner**, or authorized agent of the **owner**, of a subdivision.

Substantial: Of considerable importance, size or worth.

1. Substantial Damage: Damage of any origin sustained by a **structure** whereby the cost of restoring the **structure** to its before-damaged condition would equal or exceed 50 percent of the market value of the **structure** before the damage occurred.
2. Substantial Improvement: Any reconstruction, rehabilitation, addition, or other improvement of a **structure**, the cost of which equals or exceeds 50 percent of the market value of the **structure** before the start of construction of the improvement. Includes **structures** that have incurred **substantial damage** regardless of the actual repair work performed. The term does not, however, include either: (1) any project for improvement of a **structure** to correct existing violations of state or local health, **sanitary**, or safety code specifications that have been identified by the local **Code Enforcement Officer** and that are the minimum necessary to assure safe living conditions; or (2) any **alteration** of a “historic **structure**,” provided that the **alteration** will not preclude the **structure**’s continued designation as a “historic **structure**.”
3. Substantial Modification: A change that significantly alters the impacts or character of a **structure, development**, or activity.

Substantially Complete Application: An **application** submitted by an **applicant** to either the Village Board of Trustees, Planning Board, Zoning Board of Appeals, Community Preservation Panel, **Code Enforcement Officer**, or **Zoning Officer** for a **use, structure**, or action requiring said review and approval under one or more sections of this Local Law that contains the following: (1) submittal and completion of all applicable **application** forms; (2) submittal of all required supporting **application** information; (3) submittal of all required fees; and that has been reviewed by the appropriate aforementioned board, panel or officer and deemed to include **substantially** all required components and information necessary to begin the review and approval process by said board, panel or officer.

1. Applicant: A **person** submitting an **application** for a **development** proposal, **permit**, or other required approval under one or more sections of this Local Law. “Applicant” includes the **owner** of the property subject to the **application** or any **person** or entity acting as an agent for the property **owner** and designated by the **owner** to represent the **owner**.
2. Application: The completed form or forms and all accompanying documents, exhibits, and fees required of an **applicant** by the applicable board, panel, or officer of the Village of Aurora for **development** review, approval, or **permitting** purposes.

Temporary Outdoor Sale: Any permitted sale made by a **person**, firm, or corporation engaging in the temporary **business** of selling goods, wares, or merchandise.

Terrace: A level, surfaced area usually made of concrete, brick, or other masonry material, directly **adjacent** to a **principal building** at or within three feet of the finished grade, without

a permanent roof intended for outdoor lounging, dining, and the like. The term **patio** and **terrace** are often interchangeable in this context. When used in reference to **landscaping**, agriculture or erosion control measures the term **terrace** or **terracing** shall mean a number of flat areas built on a slope or into the side of a hill resembling a series of **steps**.

Theater: An outdoor or indoor area, **building**, part of a **building, structure**, or defined area utilized primarily for showing motion pictures, or for dramatic, dance, musical, or other live performances and may also include food or beverage service as an **accessory use**.

Topsoil: The surface layer of the soil containing more or less organic matter to a depth usually plowed in cultivation.

Tract: A parcel of land, usually larger than a **building lot**.

Trade Shop: A shop where an individual involved in a skilled **building** trade (including carpenter, cabinet/furniture maker, plumber, electrician, for example) assembles custom fixtures, cabinets, furniture, for example, for installation by him/her at a job **site** location.

Trailer: A vehicle without motor power, designed to be towed by a passenger **motor vehicle** but not designed for human occupancy and which may include a utility trailer, **boat** trailer, horse trailer, or snowmobile trailer.

Transportation Facility, Public: Without limitation, a combination of real and personal property, **structures**, improvements, **buildings**, equipment, **motor vehicle** parking, or other facilities, and **rights-of-way**, or any combination thereof, used or useful for the purposes of moving or assisting in the movement of people or goods which may include accessways, bicycle facilities, multi-**use** paths, pedestrian connections, or **streets**. This term does not include electricity, sewage, or water delivery systems.

Unnecessary Hardship: A restriction on a property so unreasonable that it results in interference with basic property rights. Hardship relates to the physical characteristics of the property, not the personal circumstances of the **owner** or user, and the property is rendered unusable without the granting of a variance. For a **use variance application**, in accordance with NYS Village Law §7-712-b, 2, (b), the **applicant** must prove to the Zoning Board of Appeals that an unnecessary hardship exists for each of the four (4) criteria listed in said law and provided in Article XVIII, §18.03 of this Local Law.

Usable Open Space: A ground area or **terrace** area on a **lot** which is graded, developed, landscaped; and/or equipped, intended, and maintained for either active or passive **recreation** or both; available and accessible to and usable by all **persons** occupying a **dwelling unit** on the **lot** and their guests. Such areas shall be grassed and landscaped, or covered only for a **recreational** purpose. Roofs, **driveways**, and **parking areas** shall not constitute usable **open space**.

Use: Any activity, occupation, **business** or operation carried on, or intended to be carried on, in a **building** or other **structure** or on a **lot** or **tract** of land.

1. Use, Accessory: A **use** located on the same **lot** with a **principal use**, and clearly incidental or subordinate to, and customary in connection with, the **principal use**.
2. Use, Change of: A change from one category in the land **use** table to another or the addition of a new category of **use** to an existing **use**. Change of Use or any **alteration** in the **principal use** of a **lot** for zoning purposes may entail the need for additional parking or loading facilities.
3. Use, Principal: The main or primary purpose for which a **structure** or **lot** is designed, arranged, or intended or for which it may be used, occupied, or maintained under this Local Law.

4. Use, Seasonal: A **use** conducted for six (6) consecutive months or less in a calendar year.
5. Use, Temporary: A **use** established for a fixed period of time, with the intent to discontinue such **use** upon the expiration of such time, that does not involve the construction or **alteration** of any permanent **structure**.

Utility Substation: Land occupied by a **building, structure** or equipment used for private **business** or by a private or **public utility** service regulated by the NYS Public Service Commission or a federal agency in the transmission or collection of energy, water, or sanitary waste and may include communication towers, transmission poles and towers, cellular phone towers or antennas, pump stations, and equipment monitoring **buildings**. It excludes transmission facilities for public broadcasting **use**; offices for public benefit; vehicles, equipment and material storage; warehousing and similar functions.

Variance, Area: In accordance with NYS Village Law §7-712 1, (b) an "Area variance shall mean the authorization by the zoning board of appeals for the **use** of land in a manner which is not allowed by the dimensional or physical requirements of the applicable zoning regulations".

Variance, Use: In accordance with NYS Village Law §7-712 1, (a) "Use variance shall mean the authorization by the zoning board of appeals for the **use** of land for a purpose which is otherwise not allowed or is prohibited by the applicable zoning regulations".

Vested Property Right: A right that has been legally established and cannot be revoked by subsequent conditions or changes in law without due process of law. Vested rights are often established by showing that some **development permit** has been obtained and **substantial** construction started on the project.

Village Engineer: The designated engineer of the Village of Aurora.

Waters of the State: Shall be construed to include lakes, bays, sounds, ponds, impounding reservoirs, springs, rivers, streams, creeks, estuaries, marshes, inlets, canals, portions of the Atlantic ocean within the territorial seas of the state of New York and all other bodies of surface water, natural or artificial, inland or coastal, fresh or salt, public or private (except those private waters that do not combine or effect a junction with natural surface waters), which are wholly or partially within or bordering the state or within its jurisdiction. Waters of the state are further defined in 6 NYCRR Parts 800 to 941.

Wind Energy Conversion System (WECS): A machine that converts the kinetic energy in the wind into a usable form (commonly known as a "wind turbine" or "windmill"). A WECS can be **commercial** or non-**commercial**. A WECS may include one or more wind turbines, towers, associated control or conversion electronics, transformers, and/or maintenance and control facilities or other components used in the system. The turbine or windmill may be on a horizontal or vertical axis, rotor, or propeller. See Article XV for additional related definitions.

Wireless Telecommunications Facilities: Means and includes a telecommunications **site** and personal wireless facility. It means a **structure**, facility or location designed, or intended to be used as, or used to support antennas or other transmitting or receiving devices. This includes, without limit, towers and poles of all types and kinds and **structures**, including, but not limited to, **buildings**, church steeples, silos, water towers, **signs**, or other **structures** that can be used as a support **structure** for antennas or the functional equivalent of such. It further includes all related facilities and equipment such as cabling, equipment shelters, and other **structures** associated with the **site**. It is a **structure** and facility intended for transmitting and/or receiving radio, television, cellular, SMR, paging, 911, personal communications services (PCS), **commercial** satellite services, microwave services and any **commercial** wireless telecommunications service not licensed by the FCC.

Yard: An **open space** unobstructed from the ground upward (excluding trees and shrubbery) on the same **lot** with a **building**, extending along a **lot line** or **street line** and inward to the **building**. The size of a required yard shall be measured as the shortest distance between the **building** and a **lot line** or **street line**.

1. **Yard, Front:** An **open space** between a **building** and a **street line** and extending the entire length of the **street line**. In the case of a **corner lot**, the **yards** extending along all **streets** are front **yards**. In the case of a **lot** other than a **corner lot** that fronts on more than one **street**, the **yards** extending along all **streets** are front **yards**.
2. **Yard, Rear:** A **yard** between a **building** and a **rear lot line** and extending the entire length of the **rear lot line**.
3. **Yard, Side:** A **yard** between a **building** and a **side lot line**, extending from the **front yard** to the **rear yard**. In the case of a **lot** having no **street frontage** or a **lot** of odd shape, a **yard** that is not a **front yard** or a **rear yard** shall be considered a side **yard**.

Zoning Officer: The duly trained employee of the Village of Aurora who is responsible for the local enforcement and administration of this Village Zoning Law and who is authorized by the Village to issue certain zoning-related **permits**, violations and stop work orders in accordance with Sections 18.01-18.05 and 18.09-18.11 of this Local Law.

ARTICLE III: ESTABLISHMENT OF DISTRICTS

Section 3.01 – Purpose

- A. For the purpose of promoting the public health, safety, targeted growth, and general welfare of the Village of Aurora; and to preserve and protect critical environmental and cultural resources the Village is hereby divided into the following Zoning Districts and Overlay Districts. The purpose and intent statements for each District support the vision and goals contained within the Village of Aurora Comprehensive Plan. The Zoning Districts are listed in order of density/intensity of development beginning with the lowest density/least intensive development allowed.
1. Open Space/Outdoor Recreation District (OR): The **purpose** of the Outdoor Recreation/Open Space District is to conserve potentially important community-access/use open spaces including but not limited to those area along Cayuga Lake and around Paine’s Creek, while also providing low-impact outdoor recreation areas for the community. The **intent** of this Zoning District is to identify and provide for open space areas on lands that the community has determined should remain undeveloped and in a natural state while also accommodating appropriately located low-impact outdoor recreation facilities that serve the public. This Zoning District is also intended to protect and further enhance public access to Cayuga Lake. Development of outdoor recreation facilities will be balanced against the protection of the natural shoreline, preservation of scenic views of the lake and avoiding negative impacts to the water quality of Cayuga Lake to the fullest extent practicable.
 2. Agricultural/Residential District (AR): The **purpose** of the Agricultural/Residential District is to accommodate the continued use of farmland for agricultural purposes and to maintain the rural and residential character of this area within the village. The **intent** of this Zoning District is to promote low-impact farming practices within the village while also allowing low-density residential development in areas of the Village where open space is important. Future residential growth in these areas should be designed with the preservation of open space and quality farmland in mind. The Village may require residential development to be designed as a cluster subdivision as defined in Article II of this Local Law in order to achieve both objectives of maintaining active farmland and providing more housing opportunities for future residents.
 3. Residential District (R): The **purpose** of the Residential District is to preserve and enhance the character of existing residential neighborhoods within the Village. The **intent** of this Zoning District is to accommodate a diversified mix of one- and two-family dwelling units as well as multi-family dwelling units that do not compromise the character of established residential neighborhoods. All future development shall be designed in such a manner as to ensure the continuation of traditional village development patterns. Certain non-residential uses, which are demonstrably compatible with the surrounding neighborhood, such as but not limited to, home occupations, libraries, etc. may be permitted in this Zoning District in accordance with the regulations of this Local Law.
 4. Lakefront Residential District (L): The **purpose** of the Lakefront Residential District is to allow appropriate residential development along Cayuga Lake while protecting the water quality of the lake and preserving the existing lakefront neighborhoods and important existing community viewsheds including views of Cayuga Lake from public roads, streets and/or highways. The **intent** of this Zoning District is to allow for residential development along the Cayuga Lake shore while also protecting the water quality of the lake from nonpoint and point source pollution that can occur when runoff from land flows into the lake, carrying sediment and other pollutants that adversely affect water quality, to minimize

excessive and incompatible development in fragile lakefront areas, to protect the natural and aesthetic beauty of the lakeshore in the Village of Aurora for all of the citizens of the community to enjoy, and to enhance the experience provided to those living near, and those who use the resource provided by Cayuga Lake.

5. Institutional District (I): The **purpose** of the Institutional District is to provide for continued institutional use of a portion of the former Wells College campus. The **intent** of this Zoning District is to provide space for non-profit, public, and semi-public entities to house schools, medical centers, municipal offices, libraries, museums, research centers, creative and performing arts centers, and facilities for charitable, fraternal and religious or other similar organizations.
6. Village District (V): The **purpose** of the Village District is to support the continued development of a compatible mix of residential and non-residential uses within the traditional historic downtown area of Aurora. The **intent** of this Zoning District is to promote a walkable, traditional village-scaled mixed-use Main Street corridor by permitting appropriately scaled commercial uses while maintaining and enhancing the historic character and development pattern in downtown without negatively impacting lands or neighborhoods in adjacent Zoning Districts. Commercial uses in this Zoning District should provide goods and services for residents and/or support the local tourism economy.
7. Mixed-Use District (MU): The **purpose** of the Mixed-Use District is to promote a greater mix of compatible uses ~~in areas with an existing mix of commercial and residential uses, along with encouraging the use of parcels within and immediately adjacent to the Wells College campus.~~ The **intent** of this Zoning District is to establish and enhance mixed-use areas that allow for both a vertical and horizontal mix of retail, office, service, institutional, residential and open space opportunities. All future development in this District shall adhere to the design guidelines and standards of this Local Law and shall not negatively impact lands or neighborhoods in adjacent Zoning Districts
8. Aurora Village-Wells College Historic Overlay District (AW): The **purpose** of the Aurora Village-Wells College Historic Overlay District is to codify the Village of Aurora Community Preservation Panel's (CPP) role in the historic preservation of landmarks, structures and notable trees within the boundaries of the Aurora Village-Wells College Historic District as listed on the National Register of Historic Places. The **intent** of this Overlay District is to maintain the integrity of the designated Aurora Village-Wells College Historic District to the fullest extent practical. Overlay Districts do not affect the underlying zoning district with respect to uses and how they are or are not permitted. The regulations of the Overlay District are in addition to, not a replacement of, all applicable regulations in this Local Law for the underlying zoning district. This overlay district is shown on Appendix I: Zoning Map in this Local Law.
9. Flood Hazard Overlay District (FH): The **purpose** of the Flood Hazard Overlay District is to enforce the Village of Aurora Local Law #2 of 2007: Flood Damage Prevention Law as may be amended from time to time. Additionally, this Overlay District is established to assist in controlling the alteration of natural floodplains and help minimize the potential for public and private losses due to flood conditions that can be attributable to the cumulative effect of obstruction in the floodplain causing increases in flood elevations and velocities, and by the presence of uses, which are inadequately elevated, flood proofed, or otherwise protected. The **intent** of this Overlay District is to protect the public health, safety, and welfare from damage and other losses, to the extent practicable, from future flooding damage within the flood hazard areas in the Village of Aurora as determined, mapped, and updated by the Federal Emergency Management Agency (FEMA). It is also

the intent of the Village to ensure future development in this overlay district adheres to the requirements of the Federal Flood Insurance Program, especially where base flood elevations have been determined, by requiring site plan review for all future development. Overlay Districts do not affect the underlying zoning district with respect to uses and how they are or are not permitted. The regulations of the Overlay District are in addition to, not a replacement of, all applicable regulations in this Local Law for the underlying zoning district. This overlay district is shown on Appendix III: Natural Resource Protection Map in this Local Law.

Section 3.02 – Zoning Map

A. The Village of Aurora Zoning Districts are bounded as shown on a map entitled “Village of Aurora Zoning Map” certified by the Village Clerk, which accompanies and which, with all explanatory matter thereon, is hereby made a part of this Local Law, as may be amended from time to time by the Village Board of Trustees. See Appendix I for the Village of Aurora Zoning Map.

Section 3.03 – Interpretation of District Boundaries

- A. Where uncertainty exists with respect to the boundaries of any of the aforesaid districts as show on the zoning map, the following rules shall apply:
1. Where district boundaries are indicated as approximately following the center lines of streets or highways, street lines, highway right-of-way lines, such center lines, street lines, or highway right-of-way lines shall be construed to be such boundaries.
 2. Where district boundaries are so indicated that they approximately follow the lot lines, such lot lines shall be construed to be such boundaries.
 3. Where district boundaries are so indicated that they are approximately parallel to the center lines, street lines, or right-of-way lines of highways, such district boundaries shall be construed to be parallel thereto and at such distance therefrom indicated on the zoning map. If no distance is given, such dimension shall be determined by the use of the scale shown on said zoning map.
 4. For Areas of Special Flood Hazard Zone, refer to the Areas of Special Flood Hazard Zone defined by Local Law #2, 2007 Flood Damage Prevention; and FEMA maps adopted in conjunction with said Local Law #2 of 2007
 5. In case of further uncertainty as to the true location of a zoning district boundary line in a particular instance, the Zoning Officer shall determine the locations of such boundary.

ARTICLE IV: USE REGULATIONS

Section 4.01 – Applicability

- A. Except as provided by law or in this Local Law, in each zoning district, no building, structure, or land shall be used or occupied except for the purposes permitted in Section 4.05, Table 1 for the zoning districts so indicated.

Section 4.02 – Uses Subject to Other Regulations

- A. All uses shall be subject, in addition to the use regulations, to additional regulations as specified in other Articles of this Local Law including but not limited to requirements for setbacks, lot size, lot width, building area, and off-street parking and loading areas.
- B. In all zoning districts, excavation, grading, earth filling or earth removal are regulated activities subject to the provisions in Article IX.
- C. In addition to the regulations set forth in this Local Law, all uses permitted shall be subject to the New York State Uniform Fire Prevention and Building Code, New York State Environmental Quality Review Act (SEQRA), the Flood Damage Prevention Local Law, New York State Multiple Dwelling Law, and all other applicable laws and regulations of the Village, County and State.
- D. All uses, structures, and development located within the Flood Hazard Overlay District (FH) shall be subject to Site Plan Review in accordance with Article XIII.

Section 4.03 – Permitted Uses

- A. The following describes the categories of uses as outlined in Section 4.05, Table 1:
1. Uses permitted by right with a building permit as required. (Denoted by “P”)
 2. Uses permitted by right, but subject to Conditions, as defined in Section 4.06. Review and approval by the Zoning Officer is required before a zoning permit will be issued. (Denoted by “C”)
 3. Uses permitted upon issuance of a Special Use Permit subject to review and approval by the Planning Board and subject to the requirements of Article VI. (Denoted by “SP”).
 4. Uses that require Site Plan Review subject to the requirement of Article XIII as part of the approval process are denoted by “*”.
 5. A use that is not permitted in a particular zoning district is denoted by "N".

Section 4.04 – Prohibited Uses

- A. Any uses not expressly stated as permitted by right, permitted subject to special conditions, or permitted upon issuance of a Special Use Permit in Section 4.05, Table 1 are prohibited in the Village of Aurora. The following uses shall be prohibited in all zoning districts:
1. Bulk Storage of Petroleum/Gas as defined in Part 112 of Title 40 of the Code of Federal Regulations.
 2. Disposal, by burial, of any hazardous waste, as defined in 6 NYCRR Part 371.
 3. Extractive industry or mining.
 4. Franchise/chain businesses.
 5. Heavy industrial uses.
 6. Junkyards, motor vehicle cemeteries and junked car lots.

Village of Aurora Zoning Law

7. Land application of septage, sludge, or human excreta, including land application facilities as defined in 6 NYCRR Part 360-4.
8. Large quantity generators of hazardous waste as defined in Part 260 of Title 40 of the Code of Federal Regulations.
9. Marinas.
10. Motor vehicle sales and service stations.
11. Municipal, private and construction and demolition landfills as defined in 6 NYCRR Part 360-2 and 6 NYCRR Part 360-7.
12. Utility scale solar energy system.

Section 4.05 – Use Table

Key: OR = Open Space/Outdoor Recreation District MU = Mixed-Use District
 AR = Agricultural/Residential District P = Permitted by Right
 R = Residential District C = Permitted Subject to Conditions
 L = Lakefront Residential District SP = Permitted with a Special Use Permit
 I = Institutional District N = Not Permitted
 V = Village District

Table 1: Use Table								
Land Use Category	Zoning District							Section Reference
	OR	AR	R	L	I	V	MU	
Accessory Building/Structure	C	C	C	C	C	C	C	§4.06,A,1&14
Accessory Dwelling Unit	N	C	C	C	N	C	C	§4.06,A,2
Agriculture	N	P	N	N	N	N	P	
Agri-Tourism	N	P*	N	N	N	N	P*	
Animal Care Facility	N	P*	N	N	N	P*	P*	
Artist Studio/Artisan Workshop	N	P*	N	N	P*	P*	P*	
Bed and Breakfast	N	C	C	C	N	C	C	§4.06,A,3
Benevolent Society Clubs and Lodges	N	N	N	N	P*	P*	P*	
Boarding House & Rooming House	N	N	SP*	SP*	P*	SP*	P*	§6.07,A,1
Boat Tour/Cruise Operation	P*	N	N	N	N	P*	P*	
Botanical Garden/Arboretum/Nature Conservancy	C	P*	N	N	P*	P*	P*	§4.06,A,13
Cemetery	N	P	P	N	P	N	P	
Community Center	N	P*	N	SP*	P*	P*	P*	Article VI
Conference Center	N	N	N	N	P*	SP*	SP*	§6.07,A,2
Craft Beverage Industry	N	P*	N	N	N	P*	P*	
Cultural Establishment	N	SP*	P*	SP*	P*	P*	P*	
Day Care Facility	N	P*	P*	SP*	P*	P*	P*	
Dormitory	N	N	N	N	P*	N	P*	
Drinking Establishment	N	N	N	N	N	P*	P*	
Educational Facility	N	N	N	N	P*	P*	P*	
Elderly Congregate Housing	N	SP*	SP*	SP*	SP*	SP*	SP*	§6.07,A,3
Electric Vehicle Charging Station	C	C	C	C	C	C	C	§4.06,A,4&14
Emergency Service Facility	N	P*	N	N	P*	P*	P*	
Event/Party Tent	C	C	C	C	C	C	C	§4.06,A,5&14

* Uses that require Site Plan Review subject to the requirement of Article XIII as part of the approval process.

Table 1: Use Table (Continued)

Land Use Category	Zoning District							Section Reference
	OR	AR	R	L	I	V	MU	
Excavation, grading, earth filling and/or removal of over twenty-five (25) cubic yards	C	C	C	C	C	C	C	§4.06,A,6&14
Farm Stand	C	C	C	C	N	C	C	§4.06,A,7&14
Farmers' Market	SP*	P*	SP*	SP*	P*	SP*	P*	Article VI
Financial Institution and Services	N	N	N	N	N	P*	P*	
Funeral Home	N	SP*	SP*	N	N	SP*	P*	Article VI
Garden: Community, Demonstration or Institutional	N	P	C	C	P	C	P	§4.06,A,8
Gasoline Station	N	N	N	N	N	N	SP*	§6.07,A,4
Golf Course/Country Club	N	SP*	N	N	N	N	SP*	§6.07,A,5
Greenhouse/Nursery, Commercial	N	P*	N	N	N	N	P*	
Group Home	N	N	SP*	SP*	P*	SP*	P*	§6.07,A,6
Health Care Facility	N	N	SP*	N	P*	P*	P*	Article VI
Home Occupation	N	C	C	C	N	C	C	§4.06,A,9
Inn	N	N	N	N	N	SP*	SP*	§6.07,A,7
Institution	N	N	N	N	P*	P*	P*	
Keeping of Domestic Livestock and Honeybees	N	P	C	C	C	C	P	§4.06,A,10
Laundromat	N	N	N	N	N	SP*	P*	Article VI
Mixed-Use Development	N	N	N	N	N	P*	P*	
More than one (1) Principal Structure on a single lot.	N	SP*	SP*	SP*	SP*	SP*	SP*	Article VI
Multi-Family Dwelling/Apartment Building	N	SP*	SP*	SP*	N	P*	P*	§6.07,A,8
Municipal/Public Facility	N	SP*	N	N	P*	P*	P*	Article VI
Nursing/Convalescent Home	N	SP*	SP*	SP*	SP*	N	SP*	§6.07,A,9
Office, Professional	N	N	N	N	P*	P*	P*	
One-Family Dwelling	N	P	P	P	N	P	P	
Open Space	P	P	P	P	P	P	P	
Outdoor Sales and Displays	N	SP*	N	N	N	N	SP*	§6.07,A,10
Outdoor Storage, Commercial	N	SP*	N	N	N	N	SP*	§6.07,A,11
Parking Lot (stand-alone facility)	SP*	N	N	N	N	SP*	P*	Article VI
Personal Service Establishment	N	SP*	SP*	SP*	N	SP*	P*	Article VI
Physical Fitness Center	N	N	N	N	P*	SP*	P*	Article VI
Place of Worship/Religious Institution	N	N	SP*	SP*	P*	P*	P*	Article VI
Private Club	N	N	N	N	P*	SP*	P*	Article VI
Public Utility Essential Services	C	P	P	P	P	P	P	§4.06,A,14
Recreation, Indoor	N	N	N	N	P*	SP*	P*	Article VI
Recreation, Outdoor	SP*	SP*	SP*	SP*	P*	SP*	P*	§6.07,A,12
Restaurant	N	N	N	N	N	P*	P*	
Retail Business Establishment	N	N	N	N	N	SP*	P*	§6.07,A,13
Small Wind Energy System	N	SP*	N	N	SP*	N	SP*	Article XV
Solar Energy System, Non-Utility Scale	C	C	C	C	SP*	C	C	§4.06,A,14 & Article XVI
Spa	N	SP*	N	N	N	SP*	P*	Article VI

* Uses that require Site Plan Review subject to the requirement of Article XIII as part of the approval process.

Table 1: Use Table (Continued)								
Land Use Category	Zoning District							Section Reference
	OR	AR	R	L	I	V	MU	
Temporary Emergency Dwelling	N	C	C	C	C	C	C	§4.06,A,12
Temporary Outdoor Sales	C	C	C	C	C	C	C	§4.06,A,13&14
Trade Shop	N	SP*	N	N	N	SP*	P*	§6.07,A,15
Transportation Facility, Public	N	P*	P*	P*	P*	P*	P*	
Two-Family Dwelling	N	P	P	P	N	P	P	
Wireless Telecommunication Facility	N	SP*	N	N	SP*	N	SP*	Article XVII

* Uses that require Site Plan Review subject to the requirement of Article XIII as part of the approval process.

Section 4.06 – Uses Subject To Conditions

A. No Zoning Permit or Building Permit shall be issued by the Zoning Officer for any land use or activity listed in Section 4.05, Table 1 as permitted by right, but subject to Conditions (C), until the Zoning Officer is satisfied that the applicable regulations set forth below have been complied with as well as any other relevant requirements of this Local Law; or that a variance has been duly granted by the Zoning Board of Appeals. The Zoning Officer may refer an application for a use subject to conditions to the Planning Board for Site Plan Review if he/she deems it is necessary based on the circumstances of the proposed development.

1. Accessory Building/Structure

- a. All accessory buildings and structures erected within the Aurora Village-Wells College Historic Overlay District shall require a Certificate of Appropriateness (see Section 7.07).
- b. Accessory structures attached to the principal building shall comply in all respects with the requirements of this Local Law applicable to the principal building. See Article V.
- c. Accessory structures that are not attached to a principal structure may be erected in accordance with the following restrictions:
 - i. No unattached accessory structure shall be located nearer than ten (10) feet to the side or rear lot lines or thirty (30) feet to the front lot line.
 - ii. No unattached accessory structure shall be located nearer to the principal structure than ten (10) feet.
 - iii. The height of an unattached accessory structure shall not exceed sixteen (16) feet, except in the Flood Hazard Overlay District, where the height shall not exceed eight (8) feet, from the peak of the structure to the highest point on the ground on the side nearest the street.
 - iv. The total area of the unattached accessory structure shall not exceed twenty percent (20%) of the floor area of the principal structure. Accessory structures located in the Flood Hazard Overlay District shall not exceed eighty (80) square feet and are subject to the requirements of Article IX.
 - v. An unattached accessory structure shall not be a building, structure, or other assemblage of materials designed for, or customarily used as, a principal structure allowed under this Local Law; nor shall an unattached accessory structure be a vehicle or a container primarily intended for storage or transportation of goods, animals, or people.

- d. Docks and Other Structures in the Lake. The following regulations are intended to establish controls for the construction, installation, and location of docks, boathouses, and other in-water structures in that portion of Cayuga Lake over which the Village of Aurora has jurisdiction. NYS Navigation Law Chapter 37, Article 4, Part 1, Section 46-a, e(2) specifically states that “The local legislative body of the...villages of...Aurora...in the county of Cayuga...may adopt, amend and enforce local laws, rules and regulations not inconsistent with the laws of this state or the United States, with respect to the restriction and regulation of the manner of construction and location of boathouses, moorings and docks in any waters within or bounding the respective municipality to a distance of fifteen hundred feet from the shoreline.”
 - i. Docks on ponds are permitted.
 - ii. As accessory structures on the lakeshore, docks are subject to DEC and U.S. Army Corps of Engineers permit regulations. Additionally, all docks shall meet the following conditions:
 - [a] Rear setback requirements to the extent that they prohibit the placement of a dock in the water shall be waived. Side setbacks of ten (10) feet shall apply.
 - [b] Only one dock shall be permitted for each lot with frontage on the water.
 - [c] In determining the location of docks per required setbacks above, property owners shall provide a survey map drawn and signed by a NYS licensed surveyor using the methods described in Article IV, Section 4.07 subsections D and E of this Local Law that shows the littoral lines of the subject property and adjacent properties.
 - [d] No dock shall interfere with access to other docks. Disputes between property owners regarding the location of docks and any interference with access to such structures shall be settled in accordance with New York Codes, Rules and Regulations Title 9, Executive Department Chapter II Division of Land Utilization, Part 274, Interference With Riparian Rights (9 NYCRR 274). Complaints shall be filed with and settled by the Commissioner of General Services with the NYS Office of General Services in accordance with the stated law.
 - [e] There shall be no sale of marine fuels.
 - [f] Allocation of Associated Facilities. Boat accessory structures, boat stations, boat hoists, and boat hoist structures are Associated Dock and Mooring Facilities and are allocated and subject to the design standards as set forth in Table 2 below.
 - a. Boat House. The installation of boat houses is prohibited.
 - b. Boat Hoist Structure: One boat hoist structure is allowed for each boat slip.
 - c. Boat Station: A boat station is designed for use as a permanent boat hoist structure. Only one boat station is allowed per parcel. No boat station may be used for a dwelling, for sleeping, or for lodging.
 - d. The following additional design standards are applicable to boat accessory structures:
 - [A] The boat accessory structure shall not exceed 120 square feet, and 10 feet in height as measured from the top of the deck of the dock

or pier. The 120 square feet is measured by the area enclosed by the exterior wall of the structure.

- [B] A 12 inch roof overhang is allowed. Any area covered by a roof overhang in excess of 12 inches is allowed only if it has been included in the 120 square feet accessory structure allowance.
- [C] If any or all of the area of the boat accessory structure is located on the land side of the shoreline, such area of the boat accessory structure is to be included in the square foot dock allowance.
- [D] The boat accessory structure shall be constructed as close to the shoreline as possible. No part of the structure may extend beyond twenty (20) feet of the waterside of the shoreline.

Table 2: Design Standards for Associated Facilities (Docks)					
	Number of Stories/ Levels/Floors	Roof Permitted	Roof Slope	Sides Permitted	Height
Boat Hoist Structure	1	Yes	Not applicable	No	≤ 10' above the deck of the dock or pier.
Boat Station	1	Yes	Not less than 3 and 12 or more than 4 and 12	No	≤ 10' above the deck of the dock or pier.

Note: No associated facility may have a second floor/level/story /deck.

[g] Design standards for Docks, Moorings, and Associated Facilities.

[i] Docks and moorings along with any boat hoist, or boat station that is attached to or placed adjacent to such dock, or a vessel docked or moored thereto, shall be located such that no part of the aforementioned structures are less than ten (10) feet from side lot lines extended into the lake on either side of the subject property perpendicular to the shoreline.

[ii] Docks and moorings, along with any boat hoist, or boat station that that is attached to or placed adjacent to such dock, or a vessel docked or moored thereto, shall be centered as a unit between side lot lines for parcels with twenty-five (25) feet or less of shoreline; and these structures shall also be placed in such a manner as to not interfere with neighboring property owner’s navigational rights.

e. Fences and Walls.

- i. Unless specifically noted, the provisions of this Local Law shall not apply to fences, terraces, or walls less than five (5) feet in height above the average natural grade, nor to terraces, steps, or other similar features not over three (3) feet high above the level of the floor of the ground story.
- ii. Fence heights are limited to six (6) feet, except that a height of eight (8) feet shall be permitted between a commercial use and an abutting residential use to provide additional screening.
- iii. Fences are subject to the Traffic Visibility requirements found in Article V, Section 5.06 of this Local Law.
- iv. The finished side of the fence shall face outward from the fence owner’s lot line so that the nicer side of the fence faces neighboring properties or an adjacent street.
- v. Agricultural fences. Agricultural fences shall be exempt from the requirements of this Section, listed in sub-sections i. and ii. above.

- vi. Fences shall meet a minimum side and rear setback of two (2) feet from the lot line. The front setback shall be twenty-five (25) feet measured from the centerline of the road.
 - f. Lampposts. Lampposts may not exceed ten (10) feet in height and the light emitted may not leave the property line.
 - g. Private Gardens. Private gardens are allowed as an accessory use on any lot and may be used to meet part or all of any landscaping requirement set out in this Local Law. Private gardens may include structures such as cold frames, greenhouses, and hoop houses in any area of the site other than a required front or street side setback area and do not count against the maximum building coverage in any zoning district, even if the structure requires a building permit. To the extent such structures require a building permit they shall meet the provisions of Section 4.06, A, 1 of this Local Law. Private gardens may include a farm stand subject to the provisions of Section 4.06, A, 7 of this Local Law.
 - h. Sewer and water lines shall not be extended to accessory structures in the Flood Hazard Zone.
 - i. Swimming Pools. A single private outdoor swimming pool per principal building is permitted as an accessory use provided that such swimming pool is for the private use of the occupants of the dwelling or for their guests, subject to the following provisions:
 - i. The edge of the pool is not located closer than twenty (20) feet to any property line and does not occupy more than ten percent (10%) of the lot area.
 - ii. Safety and Enclosure. Pools must meet the requirements of the New York State Uniform Fire Prevention and Building Code.
2. Accessory Dwelling Unit
- a. Accessory Dwelling Units are permitted in any zoning district, except for the Open Space/Outdoor Recreation District,, in connection with any principal use already lawfully allowed and existing within such district.
 - b. An accessory dwelling unit shall be permitted to contain one thousand (1,000) sq. ft. or, if the accessory dwelling is in a single-family dwelling, thirty percent (30%) of the floor space of the dwelling (including the areas of the accessory dwelling unit as part of the total floor space of the dwelling).
 - c. No Accessory Dwelling Unit shall be established or constructed until the primary use or structure is constructed and unless a building permit evidencing the compliance of such dwelling unit shall have first been issued in accordance with this section.
3. Bed and Breakfast. In order to protect the residential character of the district in which it is located, a Bed and Breakfast facility shall be limited by the following criteria:
- a. A Bed and Breakfast shall only be permitted in a single-family detached dwelling.
 - b. The residential character of the dwelling shall be preserved and no exterior alterations, construction features, or site features of nonresidential nature shall be incorporated.
 - c. No accessory buildings or structures shall be used for lodging.
 - d. The owner/operator of the Bed and Breakfast shall live full-time on the premises.
 - e. No more than two (2) non-residents of the premises shall be engaged as employees of the operation.
 - f. A Bed and Breakfast shall have a maximum of five (5) guest rooms.

- g. The maximum length of stay for any guest is fourteen (14) consecutive days.
 - h. In addition to the parking requirements in Article XI of this Local Law, one additional off-street parking space shall be provided for each room made available to the public.
4. Electric Vehicle Charging Station
- a. Public Use, Level 2 or 3 station.
 - i. The dimensional requirements for electric vehicle parking spaces shall be the same as those for traditional vehicle parking spaces as provided in Article XI. The installation of electric vehicle supply and charging equipment shall not occupy any portion of the required area for parking the vehicle.
 - ii. Installation of electric vehicle supply and charging equipment shall meet the standards in the National Electric Code Article 625.
 - iii. Charging station outlets and connectors shall be no less than 36 inches and no higher than forty eight (48) inches from the surface where mounted.
 - iv. Adequate electric vehicle charging station protection, such as concrete-filled steel bollards, shall be installed. Curbing may be used in lieu of bollards, if the charging station is setback a minimum of twenty four (24) inches from the face of the curb.
 - v. Adequate site lighting should be provided unless charging is for daytime purposes only.
 - vi. If time limits or vehicle removal provisions are to be applied, regulatory signage including parking restrictions, hours, and days of operation, towing, and contact information shall be installed immediately adjacent to, and visible from, the electric vehicle charging station.
 - vii. When electric vehicle supply and charging equipment is placed in a sidewalk or adjacent to a walkway, it shall not interfere with the minimum pedestrian clearance widths as defined in Chapter 11 of the New York State Uniform Fire Prevention and Building Code: Accessibility. Cords, cables, and connector equipment shall not extend across the path of travel within a sidewalk or walkway.
 - b. Private Use, Any Level Station.
 - i. Electric vehicle charging stations that are designed for private use shall be located in a manner that will not allow public access to the charging station; however, all requirements in subsection (a) items i through ii and vii above shall be met.
5. Event/Party Tent
- a. No event/party tent shall be used for purposes such as habitation, including camping.
 - b. Approval to erect an event/party tent shall include a definite time period for when the tent is to be taken down and removed from the property.
6. Excavation, grading, earth filling and/or removal of over twenty-five (25) cubic yards (one large dump truck)
- a. All excavation, grading, earth filling and/or removal of over twenty-five (25) cubic yards (one large dump truck) not associated with development that was approved as part of a site plan, special use permit, or subdivision is subject to all applicable provisions of Section 9.07 in this Local Law.
 - b. The landowner is required to obtain an excavation, grading, earth filling and/or removal permit from the Zoning Officer for the proposed work.

7. Farm Stand

- a. A farm stand shall be permitted as a seasonal accessory use related to an agricultural activity occurring on either a farm or a non-farm parcel, subject to the following requirements:
 - i. The farm stand shall be portable and capable of being easily dismantled or removed from the sales site.
 - ii. The floor area devoted to the sales of home-made handcrafts items shall not exceed fifty percent (50%) of the total sales area. No commercially packaged handcrafts or commercially processed foodstuffs shall be sold at a farm stand.
 - iii. The farm stand will be setback a minimum of twenty (20) feet from any street line and must meet the requirements for traffic visibility across corners and maintain safe sight triangles at road intersections in accordance with Article V, Section 5.06.
 - iv. A vehicle not exceeding ten thousand (10,000) pounds gross weight may be considered a permitted farm stand. However, a vehicle, or any part thereof, customarily known as a tractor-trailer or any containerized storage unit shall not be permitted.
 - v. Non-Farm Parcels: The total floor area of the stand shall not exceed one hundred fifty (150) square feet. The farm stand shall be solely for the seasonal display and sale of agricultural and value-added products grown or produced on the premises.
 - vi. Farm Parcels: The total floor area of the stand shall not exceed four hundred (400) square feet. Farms may seek relief from this requirement through an area variance. The applicant must demonstrate a need for an area variance for additional space based upon the needs of existing farm operations (see Article XVIII, Section 18.03).

8. Garden: Community, Demonstration or Institutional. The regulations herein are established to permit the productive growing of plants in a manner that is appropriate to the surrounding neighborhood land uses, thereby enhancing healthy food access for residents of Aurora by making it easier to grow food and develop food production businesses. Community, demonstration, and institutional gardens are permitted as either a principal use or accessory use subject to the following requirements:

- a. Permitted Accessory Structures. In addition to fences, as regulated in Section 4.06, A, 1 of this Local Law, a permitted community, demonstration or institutional garden may be served by the following accessory structures: sheds, greenhouses, hoop houses, cold frames, barns, rain barrels, composting, farm stands as regulated in Section 4.06, A, 7 of this Local Law, and similar structures not exceeding sixteen (16) feet in height.
 - i. Such structures may be located in any area of the site other than a required front setback or corner street setback area and do not count against the maximum building coverage in any zoning district, even if the structure requires a building permit. To the extent such structures require a building permit they shall meet the provisions for accessory structures in Section 4.06, A, 1 of this Local Law.
- b. No off-street parking spaces are required for a garden that is accessory to a principal use that requires parking. If a garden is a principal use at least one parking space must be provided for the first 5,000 square feet of garden area or portion thereof, and for each 5,000 square feet of garden area beyond the first 5,000 square feet.
- c. Site Maintenance.
 - i. The owner of the property on which the community, demonstration, or institutional garden is located is responsible for all maintenance requirements.

- ii. The site shall be designed and maintained to prevent any chemical, pesticide, fertilizer, or other waste from draining onto adjacent property.
 - iii. Cultivated areas shall not encroach onto adjacent properties.
 - iv. The site must be maintained free of high grass, weeds, or other debris.
 - v. Dead plant growth must be sufficiently trimmed to no higher than six (6) inches above the ground, composted, or removed from the site not later than December 1 of each year.
 - vi. Refuse storage and storage enclosures shall be located in a manner that does not disturb or encroach upon the streetscape (pedestrian walkways, roadways, etc.) or adjacent residential neighborhoods.
- d. Equipment and Material Storage.
- i. Use of large-scale agricultural equipment such as tractors, tillers, or other machinery equal to or exceeding the size of an economy motor vehicle is prohibited. Such equipment must be completely enclosed in a structure when not in use.
 - ii. Tools and supplies shall be stored indoors or removed from the property daily. Pesticides and fertilizers stored on the property shall be contained in a locked storage structure and must comply with any other applicable requirements for hazardous materials.
 - iii. Bulk supplies and water tanks must be stored towards the rear of the lot and must not create visual blight or offensive odors.
- e. Composting.
- i. Composting must be only of materials generated on-site.
 - ii. A maximum area of 50 square feet may be used for composting.
 - iii. Compost material must be enclosed in a screen fence or structure.
 - iv. Compost enclosures must be located:
 - [a] A minimum distance of ten (10) feet from rear and side lot lines; and
 - [b] A minimum distance of 30 feet from the front lot line.
 - v. In the case of a corner lot, compost enclosures must be located:
 - [a] A minimum distance of ten (10) feet from the rear and interior side lot lines; and
 - [b] A minimum distance of 30 feet from the street side lot line and front lot line.
 - vi. Compost enclosures must be located to prevent runoff of water that has come in contact with the compost from flowing onto adjacent property, into natural or human-made storm channels or the public right-of-way.
 - vii. Compost enclosures must be maintained in a manner that protects adjacent properties from adverse environmental, health and safety impacts such as noise, odors and attraction of rodents or other pests.
9. Home Occupation. Home occupations are permitted subject to the following regulations:
- a. A home occupation may be conducted within a dwelling unit and/or within properly permitted accessory structures.

- b. A home occupation may be conducted only by the owner/occupant of the dwelling and/or members of the immediate family residing in the dwelling unit plus no more than two (2) nonresident assistants or employees at any one time.
 - c. The home occupation shall not require repetitive or daily servicing by delivery vehicles for supplies and materials.
 - d. A home occupation shall be incidental and secondary to the use of a dwelling unit for residential purposes. It shall not be conducted in a manner that would alter the residential character of the building and/or surrounding neighborhood with any external alterations, additions, or changes to the structure.
 - e. There shall be no use of displays or advertising on the property to attract customers or clients other than signs as permitted in this Local Law.
 - f. An area no larger than thirty percent (30%) of the floor space of the primary dwelling unit may be occupied by the home occupation, up to a maximum of 1,000 sq. ft.
 - g. There shall be no exterior storage of materials, equipment, vehicles, or other supplies used in conjunction with a home occupation, unless screened from the road and from other properties with a fence or vegetation subject to approval by the Zoning Officer.
 - h. The workplace shall conform to OSHA standards for venting if applicable, and to DEC standards for disposal and storage of hazardous materials. Disposal of medical waste shall conform to the standards set by the NYS Department of Health.
 - i. No articles or services shall be sold or offered for sale except such as are directly related to the home occupation.
 - j. No offensive noise, vibration, smoke, electrical interference, dust, odors, or heat shall occur as a result of a home occupation. The use of substances in a manner which may endanger public and/or environmental health or safety shall be prohibited.
10. Keeping of Domestic Livestock and Honeybees. The regulations herein are established to permit the keeping of domestic livestock and honeybees in the Residential, Lakefront Residential, [Institutional](#), and Village zoning districts in a manner that prevents nuisances to occupants of nearby properties and prevents conditions that are unsanitary or unsafe. The provisions set forth herein and in Table 3 below prescribe the development regulations governing minimum lot area size, containment, setbacks, and maintenance requirements for the keeping of domestic livestock.
- a. Maximum Number of Categories/Species of Domestic Livestock.
 - i. Keeping more than two categories/species of domestic livestock requires a cumulative minimum land area based on the requirements for each category/species as set forth in Table 3. This provision does not apply to dogs, cats, common indoor household pets, and bees.
 - ii. Exceeding the maximum number of categories/species of animals requires a Special Use Permit from the Planning Board.
 - b. Domestic Livestock Shelter Requirements. Domestic livestock shelter structures shall:
 - i. Provide adequate protection from the elements and predators;
 - ii. Provide thorough ventilation;
 - iii. Be designed to be readily accessed and cleaned; and,
 - iv. Provide access for fowl, rabbits, and other small animals to an outdoor enclosure adequately bounded to prevent escape or access by predators.

- c. Domestic Livestock Enclosures. Domestic livestock enclosures should be of sufficient height and durability to contain the species of animal.
 - i. In general, all domestic livestock enclosures/shelters shall provide a constant supply of water and food for all animals, store food in a rodent and predator-proof containers, be maintained to be free from odor, prevent the breeding of flies, pests or vermin, properly dispose of animal waste, and prevent animal waste discharge into the stormwater conveyance system.
 - ii. Domestic livestock shall be kept only in conditions that limit odors and noise and the attraction of insects and rodents so as not to cause a nuisance to occupants of nearby buildings or properties and not to cause health hazards. Furthermore, domestic livestock shall not be kept in a manner that is injurious or unhealthful to the animals being kept on the property.
- d. Slaughtering of Animals. Chickens, ducks, rabbits, and similar small animals may be slaughtered indoors on-site, but only for consumption by the occupants of the premises. No other domestic livestock may be slaughtered on-site, and no domestic livestock may be slaughtered outdoors.
- e. Building Permits. A building permit shall be required for installation of a fence or for construction of a stable or other structure routinely requiring such permit, except that no building permit shall be required for cages or coops that are not permanently attached to the ground or to another structure and do not exceed thirty-two (32) square feet in area nor eight (8) feet in height. No building permit shall be required for the barrier constituting a required enclosure if such barrier is not permanently attached to the ground and does not exceed three (3) feet in height.

Animal Category /Species	Adult Animals permitted Per Lot Area	Containment Required	Shelter Structure Requirements	Minimum Setbacks for Shelter Structures
Chickens, Ducks, Quail, Doves, and other Smaller Birds	<ul style="list-style-type: none"> • 4 on lots <10,000 sq. ft. • 8 on lots 10,000 to 20,000 sq. ft. • Maximum of 16 on lots >20,000 sq. ft. • Roosters are prohibited. 	Yes, if animals are permitted to range outside of a structure.	A minimum of 4 sq. ft. per adult.	A setback of 25 feet from all property lines.
Rabbits	<ul style="list-style-type: none"> • 4 on lots <10,000 sq. ft. • 8 on lots 10,000 to 20,000 sq. ft. • Maximum of 16 on lots >20,000 sq. ft. 	Yes, if animals are permitted to range outside of a structure.	A minimum of 4 sq. ft. per adult.	A setback of 25 feet from all property lines.
Geese, Turkeys, and other Medium-Sized Birds	Prohibited	Prohibited	Prohibited	Prohibited
Sheep and Disbudded Goats	<ul style="list-style-type: none"> • 2 on lots <10,000 sq. ft. • 4 on lots 10,000 to 20,000 sq. ft. • Maximum of 8 on lots >20,000 sq. ft. 	Yes, with a minimum of a 5-foot setback from property lines. No temporary or permanent structures are permitted within 10 feet of a fence that would enable an animal to climb or jump over a fence.	A minimum of 20 sq. ft. per adult.	A setback of 50 feet from all property lines.
Swine	Prohibited	Prohibited	Prohibited	Prohibited

Table 3: Keeping of Domestic Livestock Requirements (Continued)				
Animal Category /Species	Adult Animals permitted Per Lot Area	Containment Required	Shelter Structure Requirements	Minimum Setbacks for Shelter Structures
Horses	<ul style="list-style-type: none"> • Minimum of 20,000 sq. ft. per adult • Maximum of 2. 	Yes, with a setback of 5 feet from property lines.	A minimum of 100 sq. ft. per adult.	A setback of 50 feet from all property lines.
Cattle/Cows	Prohibited	Prohibited	Prohibited	Prohibited
Alpacas and Llamas	<ul style="list-style-type: none"> • Minimum of 20,000 sq. ft. per adult • Maximum of 2. 	Yes, with a setback of 5 feet from property lines.	A minimum of 100 sq. ft. per adult.	A setback of 50 feet from all property lines.
Ostriches, Emus, and other Large Birds	Prohibited	Prohibited	Prohibited	Prohibited

- f. Keeping of Honeybees. The keeping of honeybees, and associated beehives, shall be governed by the following regulations:
- i. Honeybees are limited to eastern european races of apismelifera. No Africanized bees may be kept on any property.
 - ii. Number. No more than one (1) beehive shall be kept for each two thousand five hundred (2,500) square feet of lot area, and no beehive shall be kept on a lot less than two thousand five hundred (2,500) square feet in area.
 - iii. All honeybees shall be kept in hives with removable frames which shall be kept in sound and usable condition.
 - iv. Location and Setbacks. All hives and related structures that form the apiary shall be located a minimum of thirty (30) feet from the front property line and ten (10) feet from all other property lines. The front of any beehive shall face away from adjacent properties and streets.
 - [a] Hives shall be located a minimum of 50 feet from dwellings, porches, gazebos, decks, swimming pools, permanently affixed play equipment and any other habitable area on any adjoining lots.
 - v. Fences and Shrubs. A solid fence, dense hedge, building, or other solid “flyway barrier,” at least six (6) feet in height shall be placed along the side of the beehive that contains the entrance to the hive and shall be located within five (5) feet of the hive and shall extend at least two (2) feet on either side of the hive. No such flyway barrier shall be required if all beehives are located at least twenty-five (25) feet from all property lines and for beehives that are located on porches or balconies at least ten (10) feet above grade, except if such porch or balcony is located less than five (5) feet from a property line.
 - vi. Water Supply. Hives shall be provided with fresh water throughout the day and be designed to allow bees to access water by landing on a hard surface to prevent bees from congregating at neighboring swimming pools or other sources of water on nearby properties. The supply of water shall be located between the hives and “flyway” barrier. The provision of fresh water is not required during the winter and when the bees are dormant.
 - vii. Building Permits. A building permit shall be required for installation of a fence except that no building permit shall be required for beehives that are not permanently attached to the ground or to another structure; nor for a “flyway” barrier not exceeding six (6) feet in height and six (6) feet in length.

11. Solar Energy System, Non-Utility Scale

- a. All Non-Utility Scale Solar Energy Systems shall meet the requirements of Article XVI.

12. Temporary Emergency Dwelling

- a. In the event that a dwelling is rendered uninhabitable by fire, flood, or by a similar natural or manmade disaster, the Zoning Officer may authorize the placement of an emergency dwelling upon the lot where said damaged dwelling is located. An emergency dwelling shall be a safe and healthful dwelling unit that meets all applicable building, fire, health or other codes. The Zoning Officer is authorized to waive setback requirements and other such dimensional lot requirements of this Local Law so as to allow the placement and use of such a structure upon the same lot as the damaged dwelling, for occupancy during the period that the damaged dwelling is being repaired or replaced. This authorization is limited to Temporary Emergency Dwellings only. Such emergency dwelling shall be removed within ten (10) days of the issuance of the Certificate of Occupancy for the repaired or replaced dwelling.
- b. A temporary emergency dwelling shall meet the following specific standards:
 - i. It is permitted only to meet a documented emergency need.
 - ii. The maximum length of time such an emergency dwelling may be on a lot is one (1) year. An extension of one (1) year making a total period of time of two (2) years from the initial permit may be granted by the ZBA in cases of documented hardship. The hardship must result from circumstances beyond the control of the applicant that prevent the applicant from complying with the requirements of this Section. An extension may be granted only once.
 - iii. A temporary emergency dwelling must have a potable water source and sanitary sewer/septic disposal system as required and approved by the Cayuga County Health Department.
 - iv. No variance to the requirements of this Section, except as outlined in (ii) above, may be granted.

13. Temporary Outdoor Sales

- a. Such uses as defined in Section 2.02 shall be permitted with the issuance of a Temporary Permit by the Zoning Officer.

14. Uses Subject to Conditions in the Open Space/Outdoor Recreation District (OR). For all uses denoted as “C” in the Open Space/Outdoor Recreation District in Section 4.05, Use Table the following conditions must be met in order to obtain a building permit.

- a. The proposed use or structure must clearly be accessory to the overall parcel.
- b. The proposed use or structure shall occupy the minimum footprint necessary to carry out said use.
- c. All public parks shall maintain at least fifty percent (50%) of the parcel as open public space.

Section 4.07 – Additional Regulations for Lots on Cayuga Lake.

- A. In the Open Space/Outdoor Recreation District, Lakefront Residential District and Village District where parcels abut the shore of Cayuga Lake, no structure shall be built or expanded within fifty (50) feet of the mean high-water mark, except the following, subject to the restrictions and conditions in Article IX of this Local Law:

Village of Aurora Zoning Law

1. Pump houses that do not exceed 50 sq. ft. in floor area;
 2. Gazebos, patios and decks on foundations other than posts or piers, which shall be considered structures for the purpose of calculating open space percentage;
 3. Impermeable stairways, seawalls, retaining walls and walkways, which shall be considered structures for the purpose of calculating open space percentage;
 4. Fences;
 5. Storage buildings not exceeding 80 sq. ft. in floor area;
 6. Permanent docks and seasonal docks;
 7. Children's playground equipment not to exceed 100 sq. ft. in overall play area; and
 8. Flagpoles.
- B. Additional restrictions and conditions on exceptions in Subsection A 1 through 8 above:
1. Height. No structure located inland within 50 feet of the mean high-water mark, shall exceed 16 feet in height.
 2. All structures as listed above, located within the Flood Hazard Overlay District shall meet any additional requirements of Article IX with regards to base flood height, floodproofing, etc.
- C. Lake rights. No encumbrance, by easement, or right-of-way for ingress and egress, to the lakeshore is permitted in the lakeshore setback zone except for public or private utility.
- D. In accordance with NYS Real Property Law Chapter 50, Article 9, Section 334(5) all surveys, subdivision plats and other maps for recording at the Cayuga County Clerk's Office for all land contiguous to the navigable waters of the state that have frontage on such waters, such map shall show the extension of the littoral property line or lines of such lots, plots, blocks, sites or units from the intersection of said line or lines with the high water mark into said navigable waters of the state. Such map shall show sufficient data to define the location of the riparian/littoral area associated with such lots, plots, blocks, sites, or units. The map shall also clearly show:
1. The Mean High-Water Mark for Cayuga Lake;
 2. The Mean Low-Water Mark for Cayuga Lake;
 3. A description of the littoral measurement technique used by the NYS licensed surveyor to determine the littoral lines extending from land into the lake;
 4. A notation clearly stating that: The People of the State of New York claim sovereign ownership of Cayuga Lake beyond the mean low water mark (prior to the placement of any fill), and the littoral boundaries into the lake provide access to navigable water to the property owner unless expressly granted by land conveyance by New York State Office of General Services.
- E. In meeting the requirements of Paragraph D above, NYS licensed surveyors shall use either the Colonial Method, the Practical Location Method (9 NYCRR 274) or some other method as approved by the Planning Board for determining the littoral lines as follows:
1. Colonial Method: This method is used to apportion riparian littoral zones by drawing base line from one corner of each lot to the other, at the margin of the upland, and running a line from each of the corners, at right angles to the base line to the thread of the water body. The angle produced by the two lines established is bisected to establish the lateral outshore riparian littoral zone.

2. Practical Location Method: When upland owners deliberately make outshore improvements adjacent to their upland ownership with the understanding that such area represents their true riparian zone, such area may be established by practical location. This principle will usually apply when there is evidence of long term use and acquiescence by adjoining owners and the application of another method would adversely affect the majority of riparian owners within the immediate vicinity.

Section 4.08 – Fireworks Display

A. Manufacture; Sale; Permits for Display.

1. The manufacture of fireworks is prohibited within the Village of Aurora.
2. Permits. Except as hereinafter provided, it shall be unlawful for any person to store, to offer for sale, to expose for sale, to sell at retail or to use or explode any fireworks, provided that the Zoning Officer/Fire Inspector or his/her designee shall have the power to grant permits for supervised displays of fireworks by the Village of Aurora, fair associations, amusement parks, property owners and organizations.
 - a. Pursuant to § 405.00 of the New York State Penal Law, the application for such permit shall set forth:
 - i. The name of the body, person, or entity sponsoring the display and the names of the persons actually to be in charge of the firing display.
 - ii. The date and time of day at which the display is to be held or alternate date and time in case of inclement weather.
 - iii. The exact location planned for the display.
 - iv. The age, experience and physical characteristics of the persons who are to do the actual discharging of the fireworks (a minimum of two shall be required). Both operators shall supply a photocopy of their licenses to deal in explosives, issued by the New York State Department of Labor.
 - v. The number and kind and size of fireworks to be discharged, as well as frequency and duration of firing.
 - vi. The manner and place of storage of such fireworks prior to the display.
 - vii. A diagram of the grounds on which the display is to be held showing the point at which the fireworks are to be discharged, the location of all the buildings, highways and other lines of communication, the lines behind which the audience will be restrained and the location of all nearby trees, telegraph or telephone lines or other overhead obstructions.
 - viii. The application shall be signed by the sponsor and the operator.
 - ix. Such other information as the Village of Aurora Zoning Officer/Fire Inspector may deem necessary to protect persons or property.
 - b. The permit shall contain provisions that the actual point at which the fireworks are to be fired shall be at least two hundred (200) feet from the nearest permanent building or public highway or roadway or other means of travel, and at least fifty (50) feet from the nearest aboveground telephone or telegraph line, tree, electrical substation, or other overhead obstruction; that the audience at such display shall be restrained behind lines at least one hundred fifty (150) feet from the point at which the fireworks are discharged, and only persons in active charge of the display shall be allowed inside these lines; that no permit shall be granted for any display of fireworks where the discharge, failure to fire, faulty firing or fallout of any fireworks or other objects would endanger persons,

- buildings, structures, forests or brush; that no fireworks discharge be within a half (1/2) mile from any livestock operation; that no shells shall be over 2 inches or include aerial salutes to limit height and protect the safety of the environment; that all fireworks that fire a projectile shall be so set up that the projectile will go into the air as nearly as possible in a vertical direction, unless such fireworks are to be fired from the shore of a lake or other large body of water, when they may be directed in such manner that the falling residue from the deflagration will fall into such lake or body of water; that any fireworks that remain unfired after the display is concluded shall be immediately disposed of in a way safe for the particular type of fireworks remaining; that no fireworks display shall be held during any wind storm in which the wind reaches a velocity of more than 30 miles per hour; that all the persons in actual charge of firing the fireworks shall be over the age of 18 years, competent and physically fit for the task; that there shall be at least two such operators constantly on duty during the discharge; and that at least two soda acid or other approved-type fire extinguishers of at least two and one-half (2 1/2) gallons' capacity each shall be kept at as widely separated points as possible within the actual area of the display.
3. Application for permits shall be made at least 15 days in advance of the date of the display. After such privilege shall have been granted, sale, possession, use and distribution of fireworks for such display shall be lawful for that one-time display purpose only. No permit granted hereunder shall be transferable.
 4. The fee for permits issued under this section shall be in accordance with the Village of Aurora fee schedule as determined and revised by the Board of Trustees from time to time.
- B. Investigation. Upon receipt of a complete application and payment of the fee aforesaid, the Fire Chief or his/her designee shall do an investigation of the site and surroundings of the proposed display for the purpose of determining whether issuance of the permit will be consistent with and adequately preserve the public health, safety and welfare. Failure of the Fire Chief to approve the application shall prohibit the intended display within the Village of Aurora and shall constitute sufficient cause for any other state or municipal agency having jurisdiction to deny any other required permit.
- C. Denial of Permit. The Village of Aurora reserves the right to deny a permit to any person, persons, entity, or body failing to sufficiently provide them with the aforesaid information or documents, or whose application is determined by the Zoning Officer/Fire Chief to be insufficient to properly safeguard the safety, health, welfare and well-being of all persons, property or within the area.
- D. Other Involved Permitting Agencies. All displays of fireworks or other pyrotechnics shall be operated and conducted in accordance with the New York State Uniform Fire Prevention and Building Code, New York Penal Law and all other applicable New York State and County of Cayuga requirements. Nothing contained herein shall be construed or interpreted to supersede such laws of the rules, regulations or permitting process of any state or other agency having jurisdiction over said display(s).
- E. Insurance required.
1. No permit authorizing the display of fireworks shall be granted unless the applicant hereto furnishes evidence of commercial general liability insurance with an occurrence limit of not less than Two Million Dollars (\$2,000,000.00) and coverage for medical payments in the event of injury of not less than Five Thousand Dollars (\$5,000.00) per person and a general aggregate limit of not less than Four Million Dollars (\$4,000,000.00).

Village of Aurora Zoning Law

2. No permit authorizing the display of fireworks shall be granted unless the Village of Aurora is a named insured under the required commercial general liability insurance, and such policy shall be non-cancelable without 10 days' prior written notice to the Village of Aurora. Said policy shall be prepaid, and a copy of the policy and evidence of the payment shall be attached to the permit application.
- F. Indoor Displays Prohibited. Notwithstanding the foregoing, any indoor pyrotechnic displays are strictly prohibited.
- G. Penalties for Offenses.
1. Any person or persons, associations or corporations committing an offense against this section or provision thereof shall be subject to the penalties imposed by §§ 270.00 and 405.05 of the NYS Penal Law, including the provisions relating to the seizure of fireworks contained in § 405.05.
 2. Notwithstanding a conviction for an offense against any provisions, a person or entity committing an offense under this section shall be subject to revocation of any permit herein granted without reimbursement of fees paid thereof.
 3. In addition to any fine or imprisonment imposed for a conviction of an offense to this section under NYS Penal Law §§ 270.00 and 405.05, the village may seek additional remedies in accordance with Article XIX of this Local Law.

ARTICLE V: DIMENSIONAL REQUIREMENTS

Section 5.01 – Dimensional Table

A. District Regulations.

1. The regulations for each district pertaining to minimum lot size, minimum lot width, maximum building coverage, minimum setbacks, and maximum height shall be as specified in this Article, subject to the further provisions of this Local Law.
2. All structures shall meet the minimum standards set forth in this Article.

B. Table of Dimensional Requirements. See Figures 1-3 below for typical examples of the location of lot lines, measured setbacks and lot coverage for all properties in the Village.

C. Principal Buildings on a Lot. Only one (1) principal building shall be permitted on any lot, except when approved as part of a Special Use Permit from the Planning Board.

Table 4: Dimensional Table							
District	Minimum Lot Size	Minimum Lot Width	Maximum Lot Coverage	Minimum Building Setback			Maximum Building Height
				Front	Side	Rear	
Open Space / Outdoor Recreation (OR)							
Any principal structure	1 Acre	200 FT	25%	30 FT	10 FT	20 FT*	35 FT*
Agricultural / Residential (AR)							
Agricultural Structure as the principal structure	1 Acre	200 FT	30%	30 FT	15 FT	20 FT	n/a
Residential Dwelling as principal structure	20,000 SQ FT	100 FT	40%	30 FT	15 FT	10 FT	35 FT
Residential (R)							
Residential Dwelling as principal structure	15,000 SQ FT	75 FT	40%	30 FT	10 FT	10 FT	35 FT
Non-Residential principal structure	15,000 SQ FT	75 FT	60%	30 FT	10 FT	20 FT	35 FT
Lakefront Residential (L)							
Residential Dwelling as principal structure	6,000 SQ FT	60 FT	40%	30 FT	10 FT	50 FT	35 FT*
Non-Residential principal structure	6,000 SQ FT	60 FT	60%	30 FT	10 FT	50 FT	35 FT*
Institutional District (I)							
Any principal structure	20,000 SQ FT	100 FT	60%	30 FT	20 FT	10 FT	50 FT
Village (V)							
Residential Dwelling as principal structure	5,000 SQ FT	50 FT	40%	**	10 FT	10 FT*	35 FT*
Non-Residential principal structure	5,000 SQ FT	50 FT	60%	**	10 FT	10 FT*	35 FT*
Mixed-Use (MU)							
Residential Dwelling as principal structure	20,000 SQ FT	100 FT	60%	30 FT	10 FT	20 FT	50 FT*
Non-Residential principal structure	20,000 SQ FT	100 FT	80%	30 FT	10 FT	20 FT	50 FT*
Aurora Village-Wells College Historic Overlay District (AW)***							
Flood Hazard Overlay (FH)***							

* For parcels located along the Cayuga Lake shore, the rear setback shall be a minimum of 50 feet from the Mean High Water Mark of Cayuga Lake and all new structures shall be subject to the provisions in Section 4.07.

Village of Aurora Zoning Law

- ** In order to maintain a consistent streetline new buildings shall have a front setback equivalent to the average existing front setback distance of adjacent principal structures.
- *** See underlying zoning district for dimensional requirements.

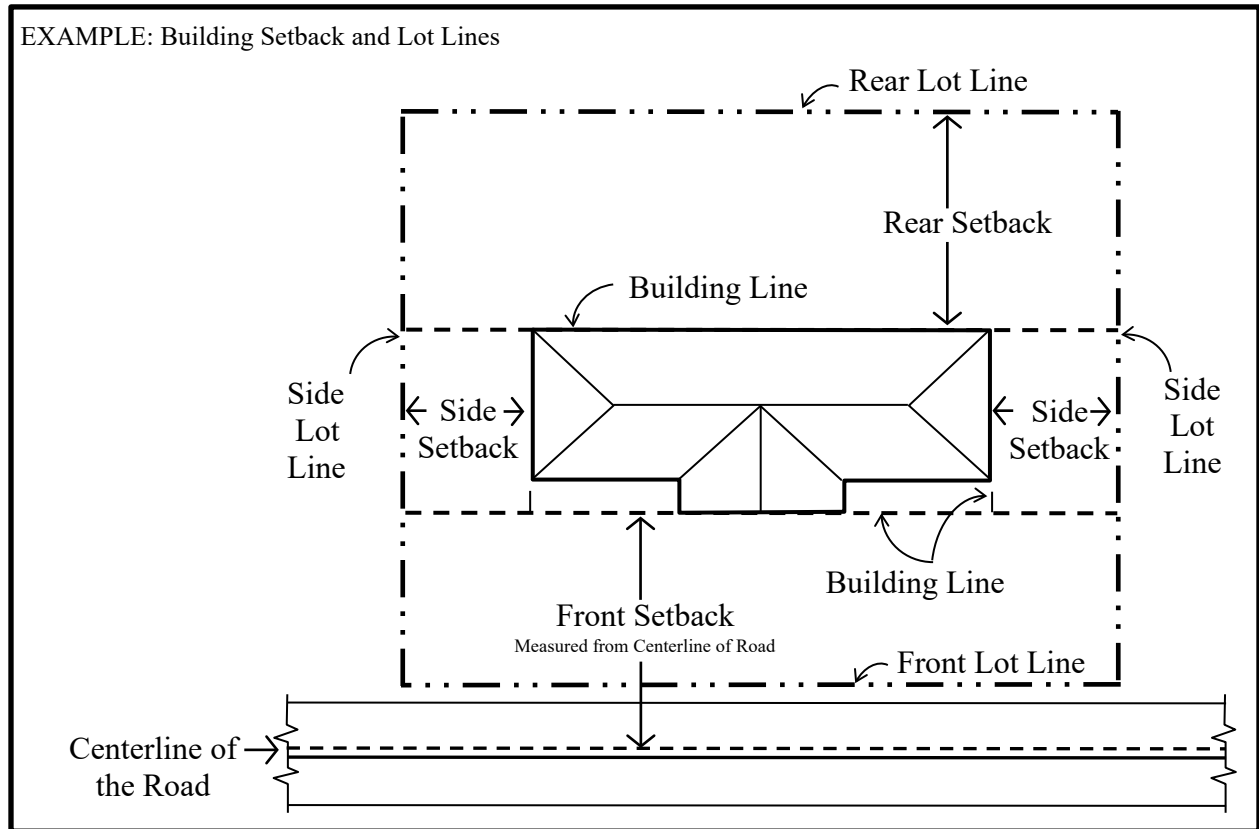


Figure 1: Building Setbacks and Lot Lines

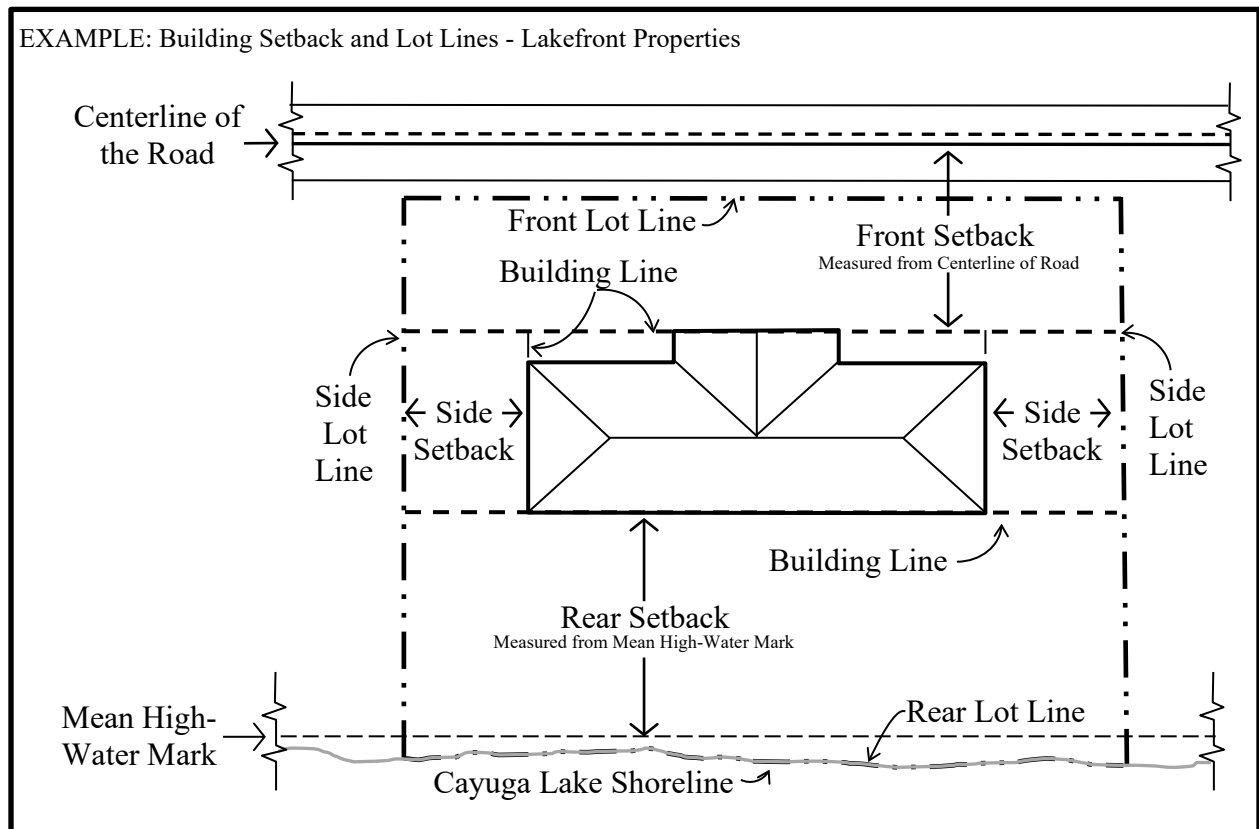


Figure 2: Building Setbacks and Lot Lines – Lakefront Properties

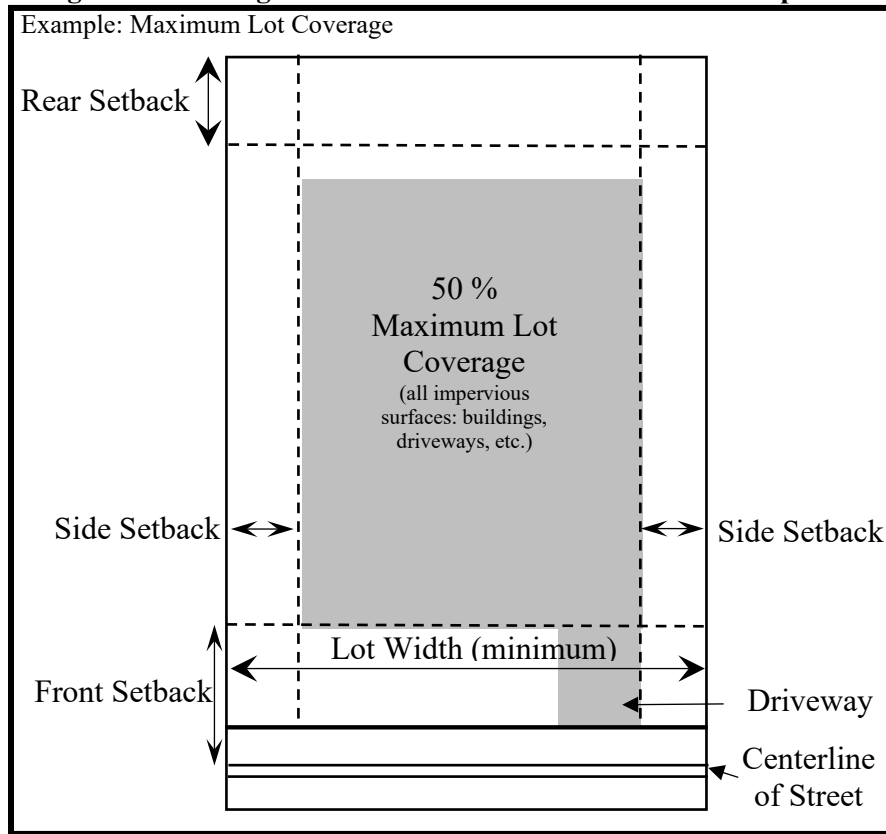


Figure 3: Maximum Lot Coverage Example

Section 5.02 – Habitable Floor Area

- A. One- and two-family dwellings shall have no less than the minimum square feet of habitable floor area per dwelling unit as required by the New York State Uniform Fire Prevention and Building Code.
- B. Habitable floor area shall be determined by the total of the area of rooms occupied by one or more persons for living, eating, and/or sleeping but not including attached or built-in garages, open porches or terraces, unfinished rooms below grade, heater or furnace rooms, and unfinished attics. On the first floor it shall be construed to mean all finished floor area having a clear headroom of seven and one half (7 ½) feet or over, including stairwells; on the second floor all finished or unfinished floor area having a clear headroom of seven and one half (7 ½) feet or over for a minimum horizontal measurement of six (6) feet, with side walls not less than five and one half (5 ½) feet in height.
- C. No dwelling unit in a multiple-family building shall have less than the minimum square feet of habitable floor area as required by the New York State Uniform Fire Prevention and Building Code.

Section 5.03 – Side Setback of Corner Lots

- A. The side setback of a corner lot which abuts a street, shall be equal to the required front setback for that street.

Section 5.04 – Exceptions to Minimum Lot Sizes and Widths

- A. The provisions of this Article shall not prevent the construction of a single-family dwelling, provided the yard requirements are observed, on any lot which was lawful when created and

which prior to the effective date of this Local Law was in separate ownership duly recorded by plat or deed.

- B. Exemption of lots shown on approved subdivision plats shall be made in accordance with the provision of the New York State Village Law Article 7, §7-709.

Section 5.05 – Exceptions to Building Height

- A. Maximum height regulations shall not apply to farm buildings, church spires, chimneys, or other structures built above the roof and not devoted to human occupancy.

Section 5.06 – Traffic Visibility Across Corners

- A. On any corner lot, no wall, fence, utility pole or other structure shall be erected or altered, and no hedge, tree, shrub, or other growth shall be maintained that may cause danger to traffic on a public street by obscuring the view. Visual obstructions shall be limited to a height of not more than two (2) feet above street level within the triangular area bounded by the street lines and a straight line drawn between points on each such street line twenty-five (25) feet from the intersection of said street lines.

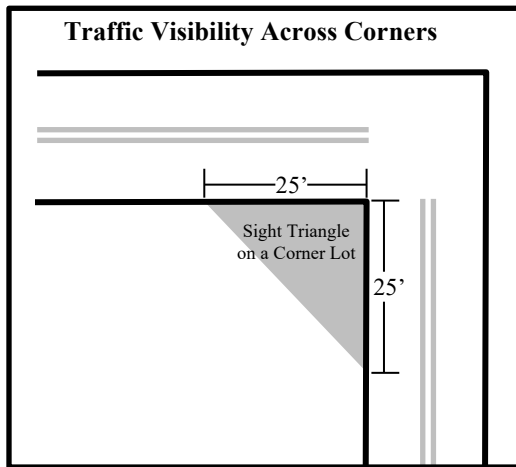


Figure 4: Sight Triangle on a Corner Lot

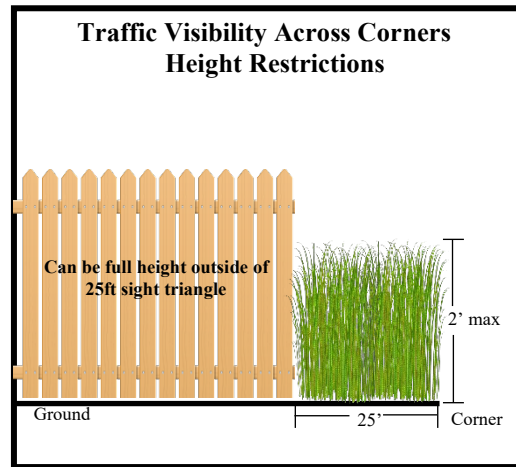


Figure 5: Height Restrictions in the Sight Triangle

- B. Where a private driveway or access way intersects a public street, visual obstructions shall be limited to a height of no more than two (2) feet above street level within the triangular area bounded by the street line, the edge of the private access way, and a straight line drawn between points on both the street line and the edge of the access way ten (10) feet from the intersection of said lines.

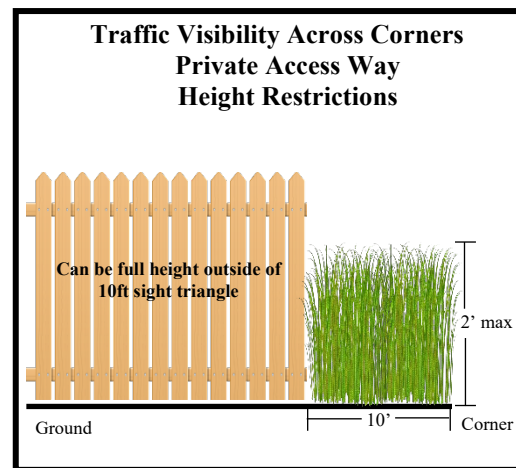
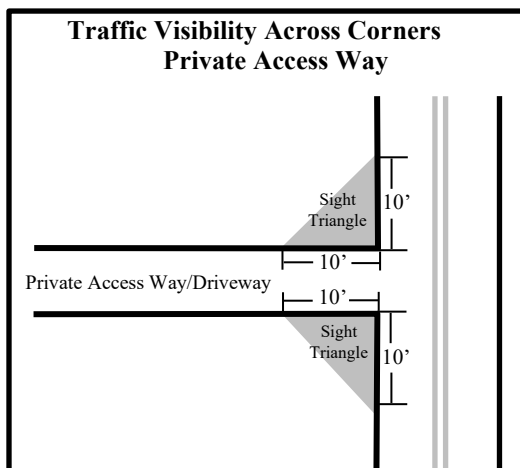


Figure 6: Sight Triangle at a Driveway

Figure 7: Height Restrictions in the Sight Triangle at a Driveway

Section 5.07 – Essential Services

A. The erection, construction, alteration, or maintenance by public utilities, the Village, or other governmental agencies of underground or overhead gas, electrical, or water transmission or distribution systems, communication systems, including poles, wires, mains, drains, sewers, pipes, conduits, cables, fire alarm boxes, police call boxes, traffic signals, hydrants, and other similar equipment and accessories in connection therewith reasonably necessary for the furnishing of adequate service by such public utilities, the Village, or other governmental agencies or for the public health, safety, or general welfare, but not including buildings will be permitted, without a permit, other than roadway work permits, as may be deemed necessary by the Village, County and/or State.

Section 5.08 – Existing Oil or Gas Drilling Leases and Wells

A. Any leases of property for the purpose of allowing oil, gas or hydrocarbon resource extraction, or any oil, gas or hydrocarbon resource extraction operations that are being presently conducted on land in the Village as of the effective date of this Local Law, shall be subject to the following:

1. Existing Leases:

a. Where a lease which allows oil, gas or hydrocarbon resource extraction has been executed and where no substantive oil or gas extraction activity has substantively commenced, this Local Law shall continue to prohibit oil or gas drilling related land uses. The existence of a lease under the circumstances described in this paragraph shall convey no vested right upon either party to the lease.

2. Existing Oil or Gas Extraction Operations.

a. Where a lease which allows oil, gas, or hydrocarbon resource extraction has been executed, and where substantive oil, gas or hydrocarbon resource extraction using hydraulic fracturing has occurred as of the effective date of this Local Law, and that extraction is being conducted pursuant to valid permits issued by the New York State Department of Environmental Conservation and all other necessary permits validly issued under the authority of other regulating agencies, the associated oil or gas drilling land uses shall be considered a valid nonconforming use and shall be allowed to continue.

b. Upon the depletion of any oil or gas well allowed to remain in operation pursuant to this provision, or upon termination, for a period of more than one (1) year, of oil or gas extraction at a well site allowed to remain in operation pursuant to this provision, the valid nonconforming use status of any oil or gas drilling related land uses at that well site shall terminate and the use may not be renewed.

c. No oil or gas drilling related land use allowed to remain in operation pursuant to this provision shall be permitted to expand after the effective date of this Local Law.

ARTICLE VI: SPECIAL USE PERMITS

Section 6.01 – Purpose and Intent

- A. The purpose of this Article is to set forth supplemental regulations, procedures, and conditions which shall apply to specially permitted land use activities in the Village of Aurora. Special uses are those uses that will have a special impact or unique form which requires a case-by-case review to determine the use's compatibility with the community and/or surrounding properties and to mitigate adverse impacts to the existing character of the neighborhood and the environment. In reaching a determination on a Special Use Permit application, the Planning Board shall take into consideration such concerns as the specific location, design, configuration, and impact to others, together with the criteria set forth below.

Section 6.02 – Applicability

- A. No Zoning Permit shall be issued by the Zoning Officer for any land use or activity listed in Section 4.05, Table 1 as requiring a Special Use Permit (SP) until the Planning Board has approved the Special Use Permit application. The Planning Board shall approve applications for Special Use Permits only when satisfied that all applicable requirements, as set forth in this Section, have been complied with, in addition to all other requirements of this Local Law. All fees as established by the Village Board of Trustees in a fee schedule shall be paid at the time the application is submitted.

Section 6.03 – Procedure for Obtaining a Special Use Permit

- A. The Planning Board shall hear and decide upon any application for a Special Use Permit as listed in Section 4.05 Use Table. Applicants shall have the burden of proof in establishing their right to a Special Use Permit.
- B. As part of a Special Use Permit application, Site Plan Review in accordance with the requirements listed in Article XIII is required. The following additional materials must also be provided by the applicant:
1. A Special Use Permit Application with all information required therein.
 2. A narrative with any supporting evidence regarding the merits of the proposed use at the proposed location and how the proposal complies with the general and specific requirements of this Local Law and the Village of Aurora Comprehensive Plan.
 3. All completed forms and supplemental information as required by Article 8 of the New York State Environmental Conservation Law, known as the State Environmental Quality Review Act, and regulations at NYCRR Part 617 adopted thereunder (collectively, "SEQRA").
- C. Public Hearing and Planning Board Action on Special Use Permits.
1. Upon receipt of all the information required herein, the Planning Board shall place the application on the agenda of the next meeting of the Board when such application is received in the Village Clerk's office at least ten (10) business days before the next regular meeting. The Planning Board shall determine at that meeting if the application is complete.
 2. The Planning Board shall conduct a public hearing within sixty-two (62) days from the day that it receives a completed application on any matter referred to it under this section.
 3. The Village shall publish a public hearing notice in the Village's official newspaper and post in any other location/media that the Village deems appropriate and necessary at least ten (10) business days prior but not more than thirty (30) calendar days prior to the date fixed for public hearing.

4. The Planning Board shall send by certified mail a copy of the public notice to all owners of parcels that are immediately adjacent to and extending five hundred (500) feet therefrom, or of that directly opposite thereto, extending five hundred (500) feet from the street frontage of the parcel(s) of land included in the application for the Special Use Permit at least ten (10) business days prior to the date of such public hearing.
 5. The Planning Board shall decide upon the application within sixty-two (62) calendar days after the hearing. The time within which the Planning Board must render its decision may be extended by mutual consent of the applicant and the board.
 6. The decision of the Planning Board on the application after the holding of the public hearing shall be filed in the office of the Village Clerk within five (5) business days after such decision is rendered, and a copy thereof mailed to the applicant and the Zoning Officer.
- D. Referral to the County Planning Board must be made at least ten (10) business days before the required public hearing by the Planning Board under provisions of Section 239-l, m & n of the New York State General Municipal Law and in accordance with Section 19.04 of this Local Law.

Section 6.04 – General Requirements and Standards

- A. The Planning Board shall grant a Special Use Permit only if the proposed use will meet all of the following general requirements as well as any specific requirements and standards listed for the proposed use.
1. The proposed use shall be consistent with the predominant scale and physical character of the surrounding neighborhood and adhere to the Comprehensive Plan for the Village of Aurora.
 2. Noise, smoke, dust, noxious matter, heat, glare, vibration, odor, or any other substance, condition, or element emanating from the proposed use shall not be detrimental to the existing structures and uses in the surrounding neighborhood.
 3. The proposed use shall, in regards to general character, height and use of structure(s), the provisions of surrounding open space and treatment of grounds and as to its effect on street capacity and use, sufficiently safeguard public health, comfort, and convenience as well as preserve the general character of the neighborhoods in which such structure is to be placed or such use conducted.
 4. The proposed use shall be, where appropriate, an adequate transition between adjacent uses or districts.
 5. The proposed use shall not generate traffic beyond capacity of the road serving the site or contribute to traffic congestion or pose a hazard to pedestrians.
 6. The proposed use shall be carried out in a manner compatible with its environmental setting and with due consideration to the protection of natural resources especially the water quality and scenic value of Cayuga Lake.
 7. The proposed use shall be in conformance with all applicable requirements of this Local Law and the Village of Aurora Comprehensive Plan.
- B. In granting a Special Use Permit, the Planning Board may impose conditions regarding layout, circulation, use, and performance it deems necessary to ensure that any proposed development will secure substantially the objectives of these Regulations; and to safeguard the public health, safety and welfare in granting the permit. These conditions may include but are not limited to the following:
1. Limiting the size, or location of buildings.

2. Controlling the location and number of vehicle access points.
3. Increasing the number of required off-street parking spaces.
4. Limiting the number, size, location, and lighting of signs.
5. Requiring fencing, screening, landscaping, or other facilities to protect adjacent or nearby property.
6. Designating areas for open space.

Section 6.05 – Amendments to Special Use Permits

- A. The terms and conditions of any special permit may be amended in the same manner as required for the issuance of a Special Use Permit, following the criteria and procedures in this Article.

Section 6.06 – Expiration and Revocation of Special Use Permits

- A. Expiration of Permits.

1. An applicant granted a Special Use Permit shall be given six months in which to begin to put into effect the use permitted by the granted Special Use Permit. The Planning Board may increase this period from six months to a year at its discretion upon request from the permit holder. Failure to engage in the permitted use(s) within the approved time frame shall render the permit null and void.
2. A Special Use Permit shall expire if the special permit use or uses cease for more than twenty-four (24) consecutive months.

- B. Revocation of Special Use Permit: The Planning Board may revoke a Special Use Permit upon reasonable cause should the permittee violate the conditions of the Special Use Permit and fails to terminate such violation within thirty (30) calendar days of receiving a notice of violation; engages in any unpermitted activity not authorized by the Special Use Permit; or fails to comply with any other provision of this Local Law. Before a permit may be revoked, a public hearing shall be held by the Planning Board. Notice of the hearing shall be made in the official newspaper at least ten (10) business days prior to the date thereof. The permit holder shall be notified of the hearing by certified mail at least ten (10) business days prior to the hearing. At the hearing, the Planning Board shall hear the permit holder and all other persons wishing to be heard on the revocation of the Special Use Permit. If the Planning Board decides to revoke a Special Use Permit, the reasons for such revocation shall be stated in the public hearing minutes. The permit holder shall be immediately notified of the revocation by certified mail.

Section 6.07 – Requirements for Defined Special Uses

- A. In addition to the procedures, requirements, and standards listed elsewhere in this Article, the following uses have specific criteria that must be met by the applicant for a Special Use Permit.

1. Boarding House & Rooming House
 - a. The owner/operator of the Boarding House or Rooming House shall live full-time on the premises.
 - b. No boarding or rooming house shall provide shelter for more than five (5) tenants who are not family members.
2. Conference Centers
 - a. The minimum lot area shall be one and one half (1 ½) acres.
 - b. The minimum building area shall be six thousand (6,000) square feet.

- c. Small outdoor gatherings to be provided shall only be intermittent and shall not involve amplified sound(s).
3. Elderly Congregate Housing
 - a. The minimum lot area shall be one (1) acre.
 - b. In accordance with Table 4 in Section 5.01 of this Local Law, the total land covered by buildings, parking and access facilities shall not exceed the maximum lot coverage for the district that the use is located in.
4. Gasoline Station
 - a. In addition to the information required for site plan review, the plan shall also indicate the location, number, capacity, and type of fuel storage tanks, the number of pumps to be installed, and the depth to the tanks. The site plan shall also include a proposed landscaping plan including evergreen trees planted along a fifteen (15) foot wide buffer along the length of the property between adjacent properties.
 - b. No fuel pump, parking area, or outdoor service facility shall be located within twenty (20) feet of any designated street line or within forty (40) feet of any property line.
 - c. All fuel tanks shall comply with all New York State Department of Environmental Conservation regulations.
 - d. No fuel service station shall have an entrance or exit for vehicles within two hundred (200) feet, as measured along the public street, in which there exists a park, public playground, religious institution, hospital, or public library, and such access shall be not closer to any intersection than one hundred twenty-five (125) feet.
 - e. Fuel stations may include retail sales of food, convenience items, and minor automotive supplies or liquids provided that the sales of such items are within an enclosed structure and are an accessory use. Sales areas outside of the primary structure may be displayed on the pump islands or the building island only.
 - f. Lights or lighted signs shall be installed in such a way that reduces any glare affecting adjacent residential property.
 - g. All oil drainage pits and hydraulic lifts shall be located within an enclosed structure and shall be located no closer than fifty (50) feet to any property line.
 - h. No major repair work or overhaul, including body work, shall be conducted outside. All damaged or dismantled vehicles, parts and similar articles shall be kept within a building when the fuel station is not open for public business.
 - i. Lots on which fuel stations are located shall be maintained at all times and kept free from paper, cans and other rubbish. Fuel stations shall not include body repair or similarly noisy or noxious activities.
5. Golf Course/Country Club
 - a. The minimum lot area shall be forty (40) acres.
 - b. All buildings shall be at least one hundred (100) feet from any lot line.
 - c. The design of the course shall direct play away from existing buildings on adjacent lots and adjacent streets to avoid potential damage from errant golf balls to the fullest extent practicable. Screening and/or additional vegetation may be installed to help achieve the intent of this requirement.
 - d. Golf courses shall provide a surface and ground water quality protection plan with regards to pesticides, herbicides, fertilizers, and other chemicals that are applied to the

course and possible stormwater runoff. All such chemicals shall only be applied in accordance with NYS DEC regulations.

6. Group Home

- a. The minimum lot area shall be one (1) acre.
- b. In accordance with Table 4 in Section 5.01 of this Local Law, the total land covered by buildings, parking and access facilities shall not exceed the maximum lot coverage for the district that the use is located in.

7. Inns

- a. The minimum lot area shall be one (1) acre.
- b. All proposed accessory uses to the Inn shall be listed on the Special Use Permit application and shall be reviewed and considered by the Planning Board. Any or all proposed accessory uses may be approved, approved with conditions or denied in accordance with the procedures in this Article. Inn accessory uses shall generally be limited to the following: meeting rooms, restaurants, bars, recreational facilities, small retail business establishment, or personal services.
- c. For an Inn, the maximum number of guest rooms allowed shall be twelve (12).

8. Multi-family Dwelling/Apartment Building. Development applications for newly constructed and converted multi-family dwelling units shall meet the following:

- a. The minimum lot size shall be one and one-half (1.5) times the minimum lot size for residential dwellings for the zoning district in which the proposed use is located as indicated in Table 4 in Section 5.01 of this Local Law.
- b. All dwelling units and structures shall comply with the standards set forth in the NYS Uniform Fire Prevention and Building Code. Said standards shall take precedence to this Zoning Law should there be a conflict.
- c. There may not be less than three (3) and not more than eight (8) units in any one building.
- d. No driveway or parking lot shall be closer than twenty-five (25) feet to the front of any building or ten (10) feet to the side or rear of any building.
- e. Where a garage is provided attached to the principal structure, the distance requirements for driveways in subsection c above shall not apply.
- f. Buildings with more than three (3) horizontally adjacent dwelling units shall not have large or long continuous wall or roof planes. Varied roof heights, projecting bays, gables, recesses, porches, and other architectural design elements shall be used to visually divide larger buildings. To prevent an out-of-scale, monolithic appearance buildings shall be visually divided into smaller sections no longer than fifty (50) feet in length by gaps, recesses, or other architectural devices in such a way that adjacent buildings and facades define a continuous street wall and pedestrian-friendly streetscape.
- g. Accessory structures, such as clubhouses, pools, pool buildings, storage buildings, and trash enclosures, shall be located in a manner that does not disturb or encroach upon the streetscape (pedestrian walkways, roadways, etc.) or adjacent residential neighborhoods.
- h. Parking areas may be located in any setback other than the front setback, but no closer than twenty (20) feet from any property line and shall comply with all other regulations of the district in which the use is located.

9. Nursing/Convalescent Home. In addition to the requirements set by New York State, Nursing/Convalescent Homes shall meet the following standards:
 - a. The minimum lot area shall be two (2) acres.
 - b. The total land covered by buildings, parking and access facilities shall not exceed thirty percent (30%) of the lot area.
 - c. All buildings shall not be less than one hundred (100) feet from any lot line.
10. Outdoor Sales and Displays. The following requirements shall apply to all non-residential operations regardless of the district in which they are located:
 - a. The display area shall not exceed fifteen percent (15%) of the gross floor area of the primary structure.
 - b. The display area shall not block automotive traffic, private sidewalks, fire lanes, or other travel lanes.
 - c. Such displays shall be allowed adjacent to a principal building wall and extending to a distance no greater than five (5) feet from the wall.
 - d. Such displays shall not be permitted to block windows, entrances, or exits and shall not impair the ability of pedestrians to use the building.
 - e. The items for display shall be labeled for sale and said area shall not be used for storage purposes.
 - f. Personal garage, lawn, yard, or rummage sales shall be allowed without zoning permits provided that no more than four (4) such sales are held on a single property in any twelve (12) month calendar year for a maximum duration of no more than five (5) days, with a minimum of seven (7) days between the ending of a sale and the beginning of a new sale. At the end of a sale, all items that are for sale shall be moved so as not to be visible from the public right-of-way.
11. Outdoor Storage, Commercial. The following requirements shall apply to all non-residential uses:
 - a. Outdoor storage shall not be allowed in the front setback.
 - b. Outdoor storage shall not occupy more than fifteen percent (15%) of the entire lot area.
 - c. All outdoor storage shall be fully screened with sufficient height and density to ensure the area is not visible from the public right-of-way, or adjacent residential districts or uses.
 - d. Screening shall be of sufficient height and density to completely hide storage from public view, including from streets and other public access ways; and
 - e. All screening shall be maintained in such a manner as to present a neat and orderly appearance at all times.
12. Recreation, Outdoor uses shall meet the following standards:
 - a. No active outdoor recreation area shall be located within fifty (50) feet of any lot line.
 - b. No building or structure used in conjunction with any outdoor recreation use (other than utility lines) shall be located within fifty (50) feet of any property line.
 - c. Outdoor play areas shall be sufficiently screened, and sound insulated as to protect the surrounding neighborhoods from inappropriate noise and other disturbances.
 - d. Illuminated signs and other lights shall be directed away or shielded from adjoining properties.

- e. Sanitation facilities shall be provided as required by the village, county, state, or other agency.
- f. Interior roads shall be easily traversable and have a well-drained surface with provisions for dust control.
- g. The applicant shall be required to provide for mitigation devices, such as but not limited to berms, fencing, landscaping, screening, water systems for dust suppression, traffic control, etc., for the control of noise, dust, fumes, or other impacts that might occur as a result of the recreational activity.

13. Retail Business Establishment

- a. In addition to the procedures, requirements, and standards listed in this Article, retail business establishments shall meet the following standards:
 - i. Ingress and egress for the site shall be designed so as not to constrict the flow of traffic on the public road.
 - ii. Parking, loading, and service areas shall be located entirely within the confines of the lot and shall be physically separated from public streets by buffer strips against un-channeled motor vehicular ingress.
 - iii. Along any adjoining lot line adjoining the retail establishment with a residential use, a buffer strip shall be provided which shall not be less than five (5) feet in thickness and shall be planted with at least grass, shrubs and trees (to attain an average height of at least twelve (12) feet) along the entire length of the lot line to serve as a barrier to visibility, air-borne particles, glare and noise.
 - iv. All parking, loading, access and service areas shall be adequately illuminated at night.
 - v. The maximum ground level floor area of any single building shall not exceed three thousand (3,000) square feet.

14. Small Wind Energy System

- a. All small wind energy systems shall meet the requirements of Article XV.

15. Trade Shop

- a. The trade shall be carried on inside the principal structure and/or any structures or buildings accessory thereto.
- b. Any alterations made to buildings or structures on the site shall not alter the residential character of the surrounding neighborhood.
- c. Along any lot line adjoining the trade shop with a residential use, a buffer strip of at least five (5) feet in thickness shall be planted with at least grass, shrubs, and trees to attain a height of at least twelve (12) feet along the entire length of the lot line.
- d. All exterior storage materials shall be screened with sufficient height and density to ensure the area is not visible from the public right-of-way, or adjacent residential districts or uses.
- e. No trade shop shall generate any offensive appearance, noise, vibration, smoke, electrical interference, dust, odors, or heat. The use of substances in a manner which may endanger public and/or environmental health or safety shall be prohibited.

16. Wireless Telecommunication Facility

- a. All Wireless Telecommunication Facilities shall meet the requirements of Article XVII.

ARTICLE VII: HISTORIC PRESERVATION

Section 7.01 – Purpose

- A. Within the Village of Aurora there exist individual landmarks, scenic landmarks, and historic districts of special historic significance, which by reason of their history, antiquity, uniqueness, architecture and/or character contribute to a strong sense of identity within this community and provide tangible linkages to the Village's historic, architectural, and cultural heritage.
- B. The Village of Aurora believes it important to afford proper recognition to these historic landmarks and to protect them from incompatible alterations or demolition and maintain them for the continuing recognition, use and enjoyment of current and future residents and visitors of the Village. In doing so, it is also expressly the intent of the Village of Aurora not to affect, abridge, limit or change in any way the uses permitted by the zoning regulations as applicable to such properties.
- C. By the enactment of this Article, it is the Village's intention to meet these objectives and those set forth by the Village in its Comprehensive Plan by:
 - 1. Emphasizing as a statement of local policy that the conservation, protection, enhancement and preservation of such historic landmarks is necessary to promote the cultural, economic, educational and general welfare of the Village's residents;
 - 2. Encouraging the identification and recognition of historic resources which represent distinctive elements of historic, architectural, and cultural heritage;
 - 3. Providing for the careful, thoughtful and informed evaluation of any proposed demolition or removal or alteration of the facade of any historic landmark affected by this Article;
 - 4. Promoting heritage tourism; and
 - 5. Maintaining visual compatibility with the historic character of neighboring properties in public view.

Section 7.02 – Authorization

- A. New York State General Municipal Law Chapter 24, Article 5, Section 96-a, Protection of historical places, buildings and works of art states: “In addition to any power or authority of a municipal corporation to regulate by planning or zoning laws and regulations or by local laws and regulations, the governing board or local legislative body of any county, city, town or village is empowered to provide by regulations, special conditions and restrictions for the protection, enhancement, perpetuation and use of places, districts, sites, buildings, structures, works of art, and other objects having a special character or special historical or aesthetic interest or value. Such regulations, special conditions and restrictions may include appropriate and reasonable control of the use or appearance of neighboring private property within public view, or both. In any such instance such measures, if adopted in the exercise of the police power, shall be reasonable and appropriate to the purpose, or if constituting a taking of private property shall provide for due compensation, which may include the limitation or remission of taxes.”

Section 7.03 – Scope, Exceptions

- A. This Article shall apply to all designated historic landmarks and historic districts as defined in Section 7.04 herein. No changes in any exterior architectural feature, including but not limited to construction, reconstruction, alteration, renovation, restoration, removal, or demolition, shall be made except as hereinafter provided.
- B. Ordinary Maintenance; Repair.

1. Nothing in this Article shall be construed as preventing the ordinary maintenance and repair of any exterior architectural feature of a designated individual historic landmark or property within a historic district that does not involve a change in design, building materials, or the outward appearance thereof.
2. For the purposes of this Article, painting a previously painted exterior historic landmark structure or feature, whether in the same or different color, will be considered ordinary maintenance.
3. Nothing in this Article shall be construed as preventing the construction, reconstruction, alteration or demolition of any exterior architectural feature of an individual historic landmark that the Zoning Officer shall certify is required for public safety because of dangerous or unsafe conditions.
4. The Community Preservation Panel may evaluate and decide, without public hearing, whether or not proposed work constitutes ordinary maintenance and repair or requires a certificate of appropriateness.

Section 7.04 – Definitions

- A. When used in this article, unless a different meaning clearly appears from the context, the terms listed below shall have the following meanings:

Acquisition: The act or process of acquiring fee title or interest other than fee title of real property, including acquisition of development rights or remainder interest.

Adaptive Reuse: The conversion of existing historic buildings or structures from their original or most recent use to a new use while retaining exterior historic features. For example, the conversion of former hospital or school buildings to residential use, or the conversion of a historic single-family home to an office use.

Addition: Any act or process that changes one or more of the exterior architectural features of a building or structure by adding to, joining with, or increasing the size or capacity of the building or structure.

Alteration: Any act or process, other than demolition or preventative maintenance, that changes the exterior appearance of significant historical or architectural features, or the historic context of a designated landmark, including, but not limited to, exterior changes, additions, new construction, erection, reconstruction, or removal of the building or structure, or grading.

Architectural Significance: The quality of a building or structure based on its date of erection, style, and scarcity of same, quality of design, present condition and appearance or other characteristics that embody the distinctive characteristics of a type, period, or method of construction.

Built Environment: The sum total of human constructions, including buildings, outbuildings, walls, fences, steps, earthworks, paving and signs.

Certificate of Appropriateness: A certificate issued by the Community Preservation Panel stating that the proposed work on an designated historic landmark is compatible with the historic character of the property and thus in accordance with the provisions of this Article and therefore: (1) the proposed work may be completed as specified in the certificate; and (2) the Planning Board and Zoning Board of Appeals may make any necessary approvals and the Code Enforcement Officer and Zoning Officer may issue any permits needed to do the work specified in the Certificate.

Certificate of Economic Hardship: A certificate issued by the Community Preservation Panel when the denial of a Certificate of Appropriateness has deprived, or will deprive, the owner of

the property of all reasonable use of, or economic return on, the property. The Certificate of Economic Hardship is used to ensure that the preservation of a historical resource is economically feasible.

Change: Any alteration, demolition, removal, or construction involving any property subject to the provisions of this Article.

Character: Defined by form, proportion, structure, plan, style, or material. General character refers to ideas of design and construction such as basic plan or form. Specific character refers to precise ways of combining particular kinds of materials.

Community Preservation Panel: The public body established pursuant to Section 19.01 of this Local Law that has been given the powers and duties as prescribed in this Article by the Village of Aurora Board of Trustees.

Compatible: In harmony with location, context, setting, and historic character.

Construction: The act of constructing an addition to an existing structure or the erection of a new principal or accessory structure on a lot or property.

Demolish: Any act or process that removes or destroys in whole or in part a building, structure, or resource.

Demolition Permit: A permit issued by the Code Enforcement Officer allowing the permittee to demolish a building or structure, after having received a Certificate of Demolition approval from the Community Preservation Panel.

Exceptional Importance: Historical significance due to an association with an extraordinarily important aspect of the past or existence in a category of resources so fragile that survivors of any age are unusual. Exceptionally important resources may be significant at the local, state, or national level.

Exterior Architectural Features: The architectural style, design, general arrangement, and components of all of the outer surfaces of any building or structure.

Feature: Elements embodying the historical significance or architectural style, design, general arrangement, and components of all exterior surfaces of any landmark or historic resource, including, but not limited to, the type of building materials, and type and style of windows, doors, or other elements related to such landmark or historic resource.

Historic Context: A unit created for planning purposes that groups information, about historic properties based on a shared theme, specific time period and geographical area.

Historic District: Any area which: (1) has a special character or special historical, archeological, architectural, or cultural value; or (2) represents one or more periods or styles of architecture typical of one or more eras; and (3) causes such area, by reason of such factors, to constitute a distinct section. More specifically, Historic Districts are districts which have been listed on either the New York State or National Register of Historic Places, or which have been designated by the Village of Aurora Board of Trustees as historic district in accordance with the provisions of this Article. The Aurora Village-Wells College Historic District is such a district.

Historic Fabric: Original or old building materials (masonry, wood, metals, marble) or construction.

Historic Integrity: The retention of sufficient aspects of location, design, setting, workmanship, materials, feeling or association for a property to convey its historic significance.

Historic Landmark: Any building, structure, district, area, site, or object including underground and underwater sites, that is of significance in the history, architecture, archeology or culture

of the state, its communities, or the nation. More specifically, Historic Landmarks are those items previously stated which have been listed on either the New York State or National Register of Historic Places, or which have been designated by the Village of Aurora Board of Trustees as either an individual landmark, scenic landmark, historic district, or notable tree in accordance with the provisions of this Article.

Historic Property: A district, site, building, structure, or object significant in American history, architecture, engineering, archeology, or culture at the national, state, or local level.

Historic Resource: Any evaluated building, structure, object, or site that potentially meets the designation criteria outlined in Section 7.05.

Historic Resources Survey: Means (1) the process of systematically identifying, researching, photographing, and documenting historic resources within a defined geographic area, and (2) the resulting list of evaluated properties that may be consulted for future designation. For the purpose of this Article, all surveys shall be conducted in accordance with the Secretary of the Interior's Standards and Guidelines for Identification and Evaluation, as may be amended.

Historic Significance: The quality of a place, site, building, district, natural features, or structure based upon its identification with important historic persons, periods or events in the Village of Aurora.

Individual Landmark: Any building, structure or site that has been designated as a “landmark” by the Village of Aurora Board of Trustees, pursuant to procedures proscribed in Section 7.06 that is worthy of preservation, restoration or rehabilitation because of its historic or architectural significance.

Integrity: The authenticity of a property's historic identity, evidenced by the survival of physical characteristics that existed during the property's historic or prehistoric period.

Maintain: To keep in an existing state of preservation or repair.

Minor work: Any change, modification, restoration, rehabilitation, or renovation of the features of an historic resource that does not materially change the historic characteristics of the property.

Move: Any relocation of a building or structure on its site or to another site.

National Register Criteria: The established criteria for evaluating the eligibility of properties for inclusion in the National Register of Historic Places.

National Register of Historic Places: The official inventory of the nation’s historic properties, districts, sites, districts, structures, objects, and landmarks which are significant in American history, architecture, archaeology, and culture, maintained by the Secretary of the Interior under the authority of the Historic Sites Act of 1935 and the National Historic Preservation Act of 1966 (16 U.S.C. 470 et seq., 36 C.F.R. Sections 60, 63), as may be amended.

Notable Tree: Any trees which has been designated as a scenic landmark by the Village of Aurora Board of Trustees, pursuant to procedures proscribed in Section 7.06 that is worthy of preservation because of its age and/or historic significance.

Object: Constructions that are primarily artistic in nature or are relatively small in scale and simply constructed. Although it may be moveable by nature or design, an object is associated with a specific setting or environment. Examples include boundary markers, mileposts, fountains, monuments, and sculpture. This term may include landscape features.

Ordinary Maintenance and Repair: Work on a historic resource that (1) does not, by law, require issuance of a permit or Certificate of Appropriateness; (2) involves regular, customary, or usual care of an existing building, structure, object, or site, for the purposes of preserving

the property and maintaining it in a safe and sanitary condition; and (3) does not involve a change of design, material, or appearance of the property.

Period of Significance: The length of time when a property was associated with important events, activities, or persons, or attained characteristics which qualify it for landmark status. Period of significance usually begins with a date when significant activities or events began giving the property its historic significance; this is often a date of construction.

Preservation: The act or process of applying measures necessary to sustain the existing form, integrity, and materials of an historic property. Work, including preliminary measures to protect and stabilize the property, generally focuses upon the ongoing maintenance and repair of historic materials and features rather than extensive replacement and new construction. New exterior additions are not within the scope of this treatment; however, the limited and sensitive upgrading of mechanical, electrical, and plumbing systems and other code-required work to make properties functional is appropriate within a preservation project.

Preventative Maintenance: Any work to prevent deterioration or damage to the structural integrity or any exterior feature of a landmark or historic resource that does not involve a change in design, material, or exterior appearance. Such work includes, but is not limited to, painting, roof repair, foundation or chimney work, or landscape maintenance.

Reconstruction: The act or process of depicting, by means of new construction, the form, features, and detailing of a non-surviving site, landscape, building, structure, or object for the purpose of replicating its appearance at a specific period of time and in its historic location.

Registered Property: Any historic place or property within the boundaries of the state nominated by the commissioner for listing on the National Register of Historic Places or listed on the New York State Register of Historic Places established pursuant to section 14.07 of New York State Parks, Recreation and Historic Preservation Law Chapter 36-B, Title C, Article 14.

Rehabilitation: The act or process of making possible a compatible use for a property through repair, alterations, and additions while preserving those portions or features of the property which convey its historical, architectural, and cultural values.

Repair: Acts of ordinary maintenance that do not include a change in the design, material, form, or outer appearance of a resource, such as repainting. This includes methods of stabilizing and preventing further decay and may incorporate replacement-in-kind or refurbishment of materials on a building or structure.

Restoration: The act or process of accurately depicting the form, features, and character of a property as it appeared at a particular period of time by means of the removal of features from other periods in its history and reconstruction of missing features from the restoration period. The limited and sensitive upgrading of mechanical, electrical, and plumbing systems and other code-required work to make properties functional is appropriate within a restoration project.

Retain: The act of keeping an element, detail or structure and continuing the same level of repair to aid in the preservation of elements, sites, and structures.

Reversible: An addition which is made without damage to the project's original condition.

Scenic Landmark: Scenic landmarks encompass structures that are not buildings, such as bridges, piers, parks, cemeteries, sidewalks, clocks, and trees. For the purposes of this Article, notable trees shall be considered Scenic Landmarks.

Secretary of the Interior's Standards for the Treatment of Historic Properties: Principles developed by the National Park Service (36 C.F.R. 68.3, as may be amended) to help protect historic properties by promoting consistent preservation practices and providing guidance to

historic building owners and building managers, preservation consultants, architects, contractors, and project reviewers on how to approach the treatment of historic properties. The Secretary of the Interior Standards for the Treatment of Historic Properties may also be referred to in this Local Law as "Secretary of the Interior's Standards."

Significant: Having particularly important associations with the contexts of architecture, history, and culture.

Stabilization: The act or process of applying measures designed to reestablish a weather resistant enclosure and the structural stability of an unsafe or deteriorated property while maintaining the essential form as it exists at present.

State Register: The State Register of Historic Places established pursuant to section 14.07 of New York State Parks, Recreation and Historic Preservation Law Chapter 36-B, Title C, Article 14.

Style of Architecture: A style recognized by one (1) of the following organizations:

1. The National Register of Historic Places.
2. Historic American Buildings Survey.
3. Historic American Engineering Record, United States Department of the Interior, National Park Service.
4. New York State Office of Parks, Recreation and Historic Preservation.
5. National Trust for Historic Preservation.
6. Society of Architectural Historians.

Section 7.05 – Designation of Landmarks or Historic Districts, Criteria

- A. The natural and built environment of the Village of Aurora, as a rural village sited along Cayuga Lake, has significance extending beyond the Village of Aurora-Wells College Historic District as delineated in 1980. This environment includes homes and sites associated with the Cayuga Nation of the Haudenosaunee, settlers, those who arrived enslaved, freedom seekers, immigrants, and others who made possible the growth and sustenance of the community. Therefore, the Community Preservation Panel may review places, sites, buildings, structures, and other objects throughout the village in order to determine if said resources should be so designated and shall make such recommendation to the Village Board of Trustees.
- B. The Panel is responsible for recommending to the Village Board of Trustees the designation of identified structures or resources as individual landmarks, scenic landmarks, or historic districts within the Village as provided below.
 1. Individual Landmark: The Panel may recommend for designation an individual property as an individual landmark if it:
 - a. Qualifies for inclusion on the New York State or National Registers of Historic Places;
 - b. Exemplifies or possesses special character, or historic or aesthetic interest of value as part of the political, economic, or social history of the Village of Aurora;
 - c. Is identified with persons or events significant in local, state, or national history;
 - d. Embodies the distinguishing characteristics of a type, period or method of construction or design style, or is a valuable example of the use of indigenous materials or craftsmanship; or is representative of the work of a designer, architect or builder;

- e. Represents an established and familiar visual feature of the community by virtue of its unique location or singular physical characteristic, represents an established and familiar visual feature of the community; or
 - f. Has yielded or may be likely to yield information important in prehistory or history.
2. **Scenic Landmark:** The Panel may recommend for designation a landscape feature or group of features. Recommendations for designation must be accompanied by such historical and architectural information as is required by the Panel to make an informed recommendation concerning the application.
 3. **Historic District:** The Panel may recommend for designation a group of properties within the village as a historic district if a majority of properties therein:
 - a. Meet one or more of the criteria for designation as an individual landmark and which may have within its boundaries other properties or structures that, while not of such historic and/or architectural significance to be designated as landmarks, nevertheless contribute to the overall visual characteristics of the landmark or landmarks located within the historic district; and
 - b. Constitute a unique section of the Village of Aurora by reason of possessing those qualities that would satisfy such criteria.
- C. The boundaries of each individual landmark, scenic landmark, or historic district shall be specified in detail with reference to the tax map identification number(s) and shall be filed, in writing, in the Village Clerk's office and there made available for review by the public.
- D. Ordinarily, properties that have achieved significance within the past fifty (50) years shall not be considered eligible for designation under this Article. However, such properties will qualify if they are:
1. Integral parts of historic districts that meet the criteria for designation; or
 2. If they are properties of exceptional importance.

Section 7.06 – Designation of Landmarks or Historic Districts, Process

- A. Historic landmarks and historic districts may be designated by the Village Board of Trustees upon the recommendation of the Community Preservation Panel. The Panel shall consider and recommend such designations in the following manner:
1. **Initiation of Proposed Designation.** Designation of a historic landmark or a historic district may be proposed by the Community Preservation Panel, by the owner(s) of the property, or by any resident of the Village of Aurora.
 2. **Application and Community Preservation Panel Review Procedure.** An application for the designation of an individual landmark, scenic landmark or historic district in the Village of Aurora shall be submitted to the Community Preservation Panel for review and consideration. In the event that the Panel initiates a proposed designation, a member of the Panel shall fill out and submit said application in order to create an official record of the proposal.
 - a. **Public Hearing.**
 - i. Within sixty-two (62) days after receipt of a complete application for designation, the Panel shall hold a public hearing on the proposed individual landmark, scenic landmark, or historic district designation.

- ii. Notice of Public Hearing; One (1) Property or Structure Proposed for Designation. The following notice requirements shall apply for all individual landmarks and scenic landmarks:
 - [a] The Panel shall publish a public hearing notice in the Village's official newspaper and post in any other location/media that the Village deems appropriate and necessary at least ten (10) business days prior but not more than thirty (30) calendar days prior to the date fixed for public hearing. Such notice shall include a description of the property(s) proposed for designation and state the time and place where the public hearing to consider such designation will be held by the Panel.
 - [b] The Panel shall send by certified mail a copy of the public notice to all owners of parcels that are immediately adjacent to and extending 500 feet therefrom, or of that directly opposite thereto, extending 500 feet from the street frontage of the parcel(s) of land included in the application for the proposed designation of an individual landmark, scenic landmark, or historic district at least ten (10) business days prior to the date of such public hearing. Such notice shall include a description of the property(s) proposed for designation and state the time and place where the public hearing to consider such designation will be held by the Panel.
- iii. Notice of Public Hearing; Multiple Properties Proposed for Designation. The following shall apply for historic districts:
 - [a] Ten (10) properties or less: Notice of public hearing for a proposed designation involving no more than ten (10) properties shall be sent in accordance with subparagraph ii,[a] and ii,[b] above.
 - [b] More than ten (10) properties: Where the proposed designation of a historic district includes more than ten (10) properties and the Panel deems individual notice infeasible, notice may instead be published at least once in accordance with subparagraph ii,[a] above only with no direct mail requirement. Additionally, the Panel shall post a copy of the notice in at least one (1) conspicuous location visible to the public within the boundaries of the proposed historic district; and shall make a concerted effort to inform as many affected and adjacent property owners about the public hearing as possible.
- iv. The Panel shall allow for the submission of written comments on the application prior to and during the public hearing. Any written comments submitted prior to the public hearing shall be read aloud during the meeting by the Panel and shall become part of the official record for the proposed designation.
- v. The Panel, property owners, and any interested parties may present testimony or documentary evidence at the public hearing which shall become part of the official record regarding the historic, architectural, or cultural importance of the proposed individual landmark, scenic landmark, or historic district.
- b. Community Preservation Panel Record. The Panel shall compile a public record in support of its recommendation to designate an individual landmark, scenic landmark, or historic district. In addition to testimony or documentary evidence received at any required meeting, the record may also contain reports, public comments, expert testimony, or other evidence offered outside of the meeting, but submitted for the Panel's consideration by the date of the meeting. At a minimum, the record of the proposed designation shall contain the application, Panel and/or staff reports, any

- comments made on the application at the required meeting, and the Panel's recommendation to approve, approve with modifications, or deny the application requesting designation.
- c. Community Preservation Panel Decision. Within sixty-two (62) days after the close of the public hearing, the Panel shall by resolution recommend a designation in whole or in part, or shall disapprove in entirety, setting forth in writing the reasons for the recommendation. Notice of the Panel's recommendation shall be sent to the applicant(s) and owner(s) of the subject property(s), or in the case of a historic district, notice shall be sent to the applicants and owners of all properties within the subject district. The Panel shall submit a copy of their recommendation accompanied by a complete copy of their record as described in subparagraph b above to the Village Board of Trustees within this same sixty-two (62) day timeframe.
3. Village Board of Trustees Approval. Upon receipt of the written report of the Community Preservation Panel, the Village Board of Trustees shall schedule a public hearing thereof and inform in writing the owner(s) of the property(s) thus nominated in the same manner as required in subparagraphs 2,a,ii and 2,a iii above.
 - a. If after the aforesaid public hearing, the Village Board of Trustees desires to designate a particular place, site, building, structure, tree and/or other object as an individual landmark, scenic landmark, or historic district, the Village Board of Trustees shall designate the same by enacting a Local Law to accomplish such purpose.
 - b. Upon the effective date of such Local Law, the Village Clerk shall make appropriate notations and references to the location of the designated individual landmark, scenic landmark, or historic district on the Historic Resource Map attached to this Zoning Law as Appendix IV; and shall forward a copy of such to the Community Preservation Panel, Planning Board, Zoning Board of Appeals, Code Enforcement Officer, and Zoning Officer.
 - c. The Community Preservation Panel shall assist the Village Clerk with maintaining a Register of Historic Landmarks both as a list and a map of all landmarks and districted listed on the State or National Register as well as any that are designated in accordance with this Article. Such Register is attached to this Zoning Law as Appendix IV. The Register shall be updated from time to time as required with the date of the most recent edition clearly marked on it.
 4. Amendment or Rescission. The Village Board of Trustees may amend or rescind any designation of an individual landmark, scenic landmark, or historic district in the same manner and procedure as are followed for designation as prescribed herein.

Section 7.07 – Certificate of Appropriateness for Alteration, Demolition, New Construction, or Relocation Affecting Individual Landmarks, Scenic Landmarks, or Historic Districts

- A. The Community Preservation Panel is responsible for the approval or disapproval of proposals for exterior changes to an individual landmark, scenic landmark, or historic district designated in accordance with this Article. No person shall carry out any exterior alteration, restoration, reconstruction, demolition, new construction to, or relocate a designated historic landmark or property within a designated historic district without first obtaining a Certificate of Appropriateness that authorizes such work from the Community Preservation Panel. The Certificate of Appropriateness required by this Article shall be in addition to, and not in lieu of, any building permit, Special Use Permit, Site Plan approval, Area Variance or Use Variance as required by the Village of Aurora Zoning Law or the, New York State Uniform Fire Prevention and Building Code.

- B. The requirements for Certificates of Appropriateness apply to all designated landmarks within the village regardless of ownership, including those which may be owned by the Village of Aurora.

Section 7.08 – Criteria for Certificates of Appropriateness

- A. Certificate of Appropriateness; General Criteria. The Community Preservation Panel shall approve the issuance of a certificate of appropriateness only if it determines that the proposed work will not have a substantial adverse effect on the aesthetic, historical, or architectural significance and value of the individual landmark or scenic landmark, or if the proposed work is within a historic district, on the neighboring properties in such district.
- B. Alteration or New Construction. In making this determination, the Panel's decision to approve, approve with modification(s) or deny an application for a certificate of appropriateness for exterior alteration or new construction to an individual landmark or scenic landmark will be guided by the Secretary of the Interior's *Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings* (1983) and the following principles:
 - 1. The distinguishing original qualities or character of a building, structure, or site and its environment should not be destroyed, and therefore the removal or alteration of any historic material or distinctive architectural features should be avoided when possible.
 - 2. Changes that may have taken place in the course of time to a building, structure, or site and its environment are evidence of its history and development. These changes may have acquired significance in their own right, and this significance shall be recognized and respected.
 - 3. Whenever possible, deteriorated architectural features should be repaired rather than replaced. In the event replacement is necessary, the composition, design, texture and other visual qualities of the new material should match as closely as possible the material being replaced.
 - 4. Repair or replacement of missing architectural features should be substantiated by historic, physical, or pictorial evidence, rather than based on conjectural designs or the availability of different architectural elements from other buildings or structures.
 - 2. New additions or alterations to structures should, whenever possible, be done in such a manner that if such additions or alterations were removed in the future, the essential form and integrity of the structure would be unimpaired.
 - 3. Distinctive stylistic features or examples of skilled craftsmanship that characterize a building, structure or site should be treated with sensitivity.
 - 4. The surface cleaning of a structure shall be undertaken with the gentlest means possible. Sandblasting and other cleaning methods that will damage the historic building materials should not be undertaken.
 - 5. Contemporary design for alterations and additions to existing properties shall not be discouraged when such alterations and additions do not destroy significant historical, architectural or cultural material, and such design is compatible with the size, scale, material and character of the property, neighborhood or environment.
 - 6. Alterations that seek to create an appearance earlier than (or older than) that of the original structure shall be discouraged.
 - 7. Every reasonable effort should be made to use a property for its originally intended purpose, or in the event when that is not possible, to provide a compatible use that requires minimal alteration of the building, structure, or site and its environment.

- C. Additionally, the Panel's decision to approve, approve with modification(s) or deny an application for a certificate of appropriateness for an improvement or property located within a historic district shall be based on the following principles:
1. Properties which contribute to the character of the historic district shall be retained, with their exterior historic features altered as little as possible.
 2. Any exterior alteration of existing properties shall be compatible with the surrounding historic district;
 3. New construction shall be compatible with the historic district in which it is located.
- D. In applying the principle of compatibility set forth in subsections B and C above, the Panel shall consider the following factors:
1. The general design and character of the proposed alteration or new construction relative to existing exterior features of the property or improvement;
 2. The scale and visual compatibility of the proposed alteration or new construction in relation to the property itself, surrounding properties, and the neighborhood;
 3. Texture and materials, and their relation to similar exterior features of the property and other properties in the neighborhood;
 4. Visual compatibility with surrounding properties, including proportion of the property's facade, proportion and arrangement of windows and other openings within the facade, roof shape, and the rhythm of spacing of properties on streets, including setback; and
 5. The importance of exterior historic physical and visual features to the significance of the property.
- E. In approving an application for a certificate of appropriateness, the Panel shall find that the building or structure for which the certificate was requested, if erected or altered in accordance with the submitted plan or with stated modifications, would be consistent with the spirit and intent of this Article, would not be visually offensive or inappropriate by reason of poor quality of exterior design, monotonous similarity or visual discord in relation to the sites or surroundings, would not mar the appearance of the area, would not impair the use, enjoyment and desirability or reduce the values of properties in the area, would not be detrimental to the character of the neighborhood, would not prevent an appropriate development and utilization of the site or of adjacent lands and would not adversely affect the functioning economic stability, prosperity, health, safety and general welfare of the community.
- F. Where the Panel grants a certificate of appropriateness under circumstances where the permitted activity is likely to uncover or affect archaeological resources, the Panel shall require reasonable efforts to protect and preserve such resources. Where such protection and preservation is not feasible, the Panel shall nonetheless impose appropriate and reasonable conditions to insure that the archaeological resource is made accessible for a reasonable period to qualified persons.
1. Burials. The long history of human occupancy in the Village renders possible the discovery of human remains in the course of excavation or construction. In the event that human remains are encountered during construction or archeological investigations, the New York State Office of Parks, Recreation and Historic Preservation protocols shall be followed, a copy of which is on file with the Community Preservation Panel and the Village Clerk.
- G. In approving an application for a certificate of appropriateness, the Panel shall not consider changes to interior spaces.

- H. Demolition or Relocation. In making this determination, the Panel's decision to approve, approve with modification(s) or deny an application for a certificate of appropriateness for the demolition, relocation, or removal of a portion or all of an exterior feature or structure that is part of an individual or scenic landmark shall be based on the following:
1. The landmark is of such architectural or historic interest that its demolition, relocation or removal would be to the detriment of the public interest;
 2. Retention of the landmark in its current form or location is important to the Village's history or character;
 3. The landmark is of such old and unusual or uncommon design, texture and material that it could not be reproduced or be reproduced only with great difficulty;
 4. Retention of the landmark would help preserve and protect a historic place or area of historic interest in the Village; and
 5. Retention of the landmark will promote the general welfare by maintaining and increasing real estate values and encourage interest in American and local history and architecture.
- I. If the Community Preservation Panel determines that an application for certificate of appropriateness for demolition, relocation, or removal should be denied, the applicant may apply for relief on the ground that the determination results in a hardship in accordance with the procedures in Section 7.13.

Section 7.09 – Certificates of Appropriateness Application Procedure

- A. Prior to the commencement of any work requiring a certificate of appropriateness, the property owner shall file an application for a building permit with the Code Enforcement Officer and an application for such certificate with the Community Preservation Panel.
- B. Application for a Certificate of Appropriateness shall be made to the Community Preservation Panel, in writing, upon forms prescribed by the Panel and available in the Village Clerk's office, and shall contain the following, where appropriate:
1. The name, mailing address, email address and telephone number of the applicant, and of the owner if the applicant is not the owner;
 2. Signed, written permission of the owner if the applicant is not the owner;
 3. The Tax Map number and street address location of the building, structure or land the exterior architectural features of which are proposed to be changed;
 4. The building permit application number as assigned by the Code Enforcement Officer;
 5. The name, mailing address, email address and telephone number of the individual, contractor, or corporation performing the proposed work;
 6. A brief description of the nature of the work proposed, and elevation drawings, if available;
 7. A brief description of the history of the recent (i.e., past 10 years) use, occupancy and ownership of the property;
 8. Photographs of each side of the landmark;
 9. Plans and elevations of the proposed change which also show all existing and proposed structures on the site;
 10. Perspective drawing(s) of the proposed change, including relationship to adjacent properties, if available;
 11. Samples of exterior building materials to be used;

12. Where a proposed change includes signs or lettering, the following additional material shall be supplied:
 - a. a scale drawing showing kind of lettering;
 - b. all dimensions;
 - c. a description of materials to be used and method of illumination, if any; and
 - d. a plan showing location on building or property.
 - e. For additional regulations for signs, see Article XII.
 13. Application fee receipt;
 14. All completed forms and supplemental information as required by Article 8 of the New York State Environmental Conservation Law, known as the State Environmental Quality Review Act, and regulations at NYCRR Part 617 adopted thereunder (collectively, “SEQRA”); and
 15. Any additional information required by the Panel to make a determination on the application.
- C. Prior to application, consultations with the Community Preservation Panel are encouraged.
- D. Upon receipt of all the information required herein, the Panel shall deem the application complete and shall place the application on the agenda of the next meeting of the Panel when such application is received in the Village Clerk’s office at least ten (10) business days before the next regular meeting. The Panel shall determine at that meeting if the application is complete. All applications must provide adequate information. Incomplete applications and applications failing to describe proposed work in detail sufficient for an adequate review may be subject to postponement or denial.
- E. Upon submission of a complete application, the Panel shall have the authority to, without public hearing and notice:
1. Determine whether the proposed work constitutes ordinary maintenance and repair for which a certificate of appropriateness is not required; or
 2. Approve work which is considered replacement-in-kind.
- F. The Community Preservation Panel shall provide a written report on all activities and decisions made in accordance with subsection E above to the Village Board of Trustees on a monthly basis.

Section 7.10 – Certificate of Appropriateness Approval Process

- A. The Community Preservation Panel shall hold a public hearing prior to rendering a decision on any application for a certificate of appropriateness which does not meet the exception standards in Section 7.09, E. Notice of the public hearing shall be published in a newspaper of general circulation in the Village at least ten (10) calendar days prior to the public hearing date. The notice shall specify the time and place of the public hearing, a brief description of the proposal, and the location where the proposal may be reviewed prior to the hearing. The property owner and any interested party may present testimony or documentary evidence regarding the proposal at the hearing, which will become a part of the record. The record may also contain staff reports, public comments, and other evidence offered outside of the hearing, but presented by the hearing date.
- B. Within sixty-two (62) days after the close of the public hearing the Panel shall approve, approve with conditions or modifications, request additional information, or deny the

certificate of appropriateness. In making their decision the Community Preservation Panel shall determine:

1. Whether the proposed construction, reconstruction, renovation or alteration, or demolition of the exterior architectural feature involved will be appropriate to the overall preservation of the historic landmarks and districts within the Village for the purposes of this Article; and
 2. Whether, notwithstanding that the proposed construction, etc. may be inappropriate owing to conditions affecting the structure involved, but not affecting the Village generally, failure to issue a Certificate of Appropriateness will impose a substantial hardship to the applicant and whether such a Certificate may be issued without substantial detriment to the public welfare and without substantial deviation from the intent and purposes of this Article.
- C. If no public hearing is held, the Panel must render a decision on the application within sixty-two (62) days following its receipt of a complete application.
- D. In the event, however, that the Panel shall make a finding of fact that the circumstances of a particular application require further time for additional study and information than can be obtained within the aforesaid sixty-two (62) day period after close of the public hearing, then the Panel shall have a period of up to one additional sixty-two (62) day period from the date of any such finding within which to act upon such an applications.
- E. All decisions of the Panel shall be in writing. The Chair of the Community Preservation Panel shall within five (5) business days after the Panel's decision was made, inform the applicant in writing of the decision, file a copy of the same with the Code Enforcement Officer, Zoning Officer, and the Village Clerk for public inspection. The Panel's decisions shall state the reasons for denying or modifying any application.
- F. If the Community Preservation Panel does not respond to the applicant within the time frames or in the manner prescribed within this Article, the applicant may proceed with the submitted plan.
- G. Where a Certificate of Appropriateness is required for a development project that also requires a Special Use Permit and/or Site Plan Review by the Planning Board, or an Area Variance by the Zoning Board of Appeals, the Community Preservation Panel shall coordinate with the relevant Board(s) to ensure that all required reviews and approvals are completed in a timely manner in accordance with the relevant provisions of this Local Law. In these instances, the Panel shall submit a copy of their decision to the appropriate Board in the same manner as required in Subsection E above.

Section 7.11 – Expiration and Extension of Certificate of Appropriateness Approval

- A. Certificates of appropriateness shall be valid for twenty-four (24) months, after which time the owner must reapply if he/she still wishes to undertake work on the property, unless an extension has been granted by the Community Preservation Panel following a written request by the applicant. An application for an extension of a certificate of appropriateness approval shall not be considered a new certificate of appropriateness application.

Section 7.12 – Alteration Hardship Process and Criteria

- A. An applicant whose certificate of appropriateness for a proposed exterior alteration of a landmark property has been denied may apply for relief on the ground of economic hardship. In order to prove the existence of economic hardship related to a proposed exterior alteration, the applicant shall establish that the denial of a certificate of appropriateness will prevent the property owner from earning a reasonable return on investment, regardless of whether that return represents the most profitable return possible.

- B. As promptly as is practicable after making a preliminary determination of hardship as provided in this Article, the Community Preservation Panel, with the aid of such experts as it deems necessary, shall, in consultation with the applicant, endeavor to develop a plan whereby the improvement may be preserved and perpetuated in such manner as to effectuate the purpose of this Article, and also rendered capable of earning a reasonable return.
- C. Consultation; Plan Development. The applicant shall consult in good faith with the Panel, local preservation groups, and other interested parties in a diligent effort to seek an alternative that will result in appropriate preservation of the property. The consulting parties may include interested purchasers, as well as preservation and other interested organizations, public agencies, developers, real estate agents and individuals who may be instrumental in developing an economically feasible solution.
- D. Economic Hardship; Criteria. Following the denial of a certificate of appropriateness, the applicant may request a certificate of economic hardship. In all cases other than a proposed demolition, removal or relocation, the applicant shall prove the existence of economic hardship by establishing that:
1. The applicant will suffer significant economic injury if required to comply with the Panel's decision, as applied to the subject property; and the character of the landmark or historic district will be preserved and not substantially changed by the proposed alterations; or
 2. The property is incapable of earning a reasonable return due to the Panel's denial of the certificate of appropriateness.
- E. Public Hearing.
1. The Panel shall hold a public hearing on the hardship application at which an opportunity will be provided for the applicant and public to present their views on the hardship application. The public hearing shall be held within sixty-two (62) days following the Panel's receipt of a complete application for a certificate of economic hardship.
 - a. A complete application includes the conclusion of all activities under Subsection C above, initiated to consult with necessary parties to determine whether the property may be preserved or rehabilitated in a manner that alleviates the hardship that would otherwise result while substantially accomplishing the goals of this Article;
 - b. All completed forms and supplemental information as required by Article 8 of the New York State Environmental Conservation Law, known as the State Environmental Quality Review Act, and regulations at NYCRR Part 617 adopted thereunder (collectively, "SEQRA"); and
 - c. Receipt by the Panel of all submissions necessary to meet the applicant's burden of proof.
 2. The Panel must render a decision on the hardship application within sixty-two (62) days following the public hearing and determine whether the applicant has met his or her burden of proof.
- F. Community Preservation Panel Decision.
1. If the Panel finds that the applicant's burden of proof has not been met, the Panel shall deny the application for a certificate of economic hardship.
 2. If the Panel finds that the applicant's burden of proof has been met, the Panel shall issue a Determination of Economic Hardship within sixty-two (62) days of the close of any public hearing held on the application or within sixty-two (62) days after the Panel has received a complete application.

3. All decisions of the Panel shall be in writing. The Chair of the Community Preservation Panel shall within five (5) business days after the Panel's decision was made, inform the applicant in writing of the decision, and file a copy of the same with the Code Enforcement Officer, Zoning Officer, and the Village Clerk for public inspection. The Panel's decision shall state the reasons for granting or denying the hardship application.
- G. No building permit or other land use approvals shall be issued unless the Panel makes a finding that a hardship exists. If the hardship application is granted, the Panel shall approve only such work as is necessary to alleviate the hardship.

Section 7.13 – Demolition, Removal or Relocation Hardship Process and Criteria

- A. An applicant whose certificate of appropriateness for a proposed demolition, removal or relocation of a landmark, resource or property has been denied may apply for relief on the ground of economic hardship. In order to prove the existence of economic hardship sufficient to justify demolition, removal, or relocation, the applicant shall establish that the denial of a certificate of appropriateness will prevent the property owner from earning a reasonable return on investment, regardless of whether that return represents the most profitable return possible.
- B. In evaluating whether such prohibition will subject the applicant to undue hardship, the Community Preservation Panel shall consider the following criteria:
 1. Whether the owner is capable of earning a reasonable return on investment without such demolition, removal or relocation, regardless of whether that return represents the most profitable return possible;
 2. Whether the landmark can be altered, restored, renovated or adapted for any other use pursuant to a certificate of appropriateness under this Article, either by the owner or a subsequent purchaser, which would result in a reasonable return;
 3. Whether efforts to find a purchaser interested in acquiring the property and preserving it have failed;
 4. Whether removal or relocation is necessary or appropriate to preserve the landmark;
 5. Whether the claimed hardship has been self-created by waste, neglect, or failure to maintain the landmark, thereby permitting the property to fall into a serious state of disrepair; and
 6. The public interest in preserving the landmark and its relation to the historic character of the community and Village of Aurora.
- C. Before approving the removal, relocation or demolition of an individual landmark or structure within a historic district, the Panel may suspend the application for up to one hundred and eighty (180) days to allow the applicant to consult in good faith with the Panel, local preservation groups, and the public in a diligent effort to seek a less intrusive alternative to demolition.
- D. Public Hearing.
 1. The Panel shall hold a public hearing on the hardship application at which an opportunity will be provided for the applicant and public to present their views on the hardship application. The public hearing shall be held within sixty-two (62) days following the Panel's receipt of a complete application for a certificate of economic hardship.
 - a. A complete application includes receipt by the Panel of all submissions necessary to meet the applicant's burden of proof; and
 - b. All completed forms and supplemental information as required by Article 8 of the New York State Environmental Conservation Law, known as the State Environmental

Quality Review Act, and regulations at NYCRR Part 617 adopted thereunder (collectively, “SEQRA”).

2. The Panel must render a decision on the hardship application within sixty-two (62) days following the public hearing and determine whether the applicant has met his or her burden of proof.
- E. Nothing herein shall be construed to prevent the demolition or removal of any structure which has been determined by the Code Enforcement Officer to be dangerous or unsafe.

Section 7.14 – Affirmative Maintenance and Repair Requirement

- A. No owner or person with an interest in real property designated as an individual landmark or located within a historic district shall permit the property to fall into a serious state of disrepair. Maintenance shall be required, consistent with the Property Maintenance Code of the New York State Uniform Fire Prevention and Building Code and all other applicable local regulations.
- B. Every owner or person in charge of an improvement on an individual landmark or structure within a historic district shall keep in good repair (1) all of the exterior portions of such improvement and (2) all interior portions thereof which, if not so maintained, may cause or tend to cause the exterior portions of such improvement to deteriorate, decay or become damaged or otherwise to fall into a serious state of disrepair. Examples of types of prohibited disrepair include, but are not limited to:
1. Deteriorated or crumbling exterior plasters, mortar or facades;
 2. Deteriorated or inadequate foundation;
 3. Defective or deteriorated flooring or floor supports or any structural floor members of insufficient size to carry imposed loads with safety;
 4. Deteriorated walls or other vertical structural supports that split, lean, list or buckle due to defective material or deterioration;
 5. Members of ceilings, roofs, ceiling and roof supports or other horizontal members which sag, split or buckle due to defective material or deterioration or are of insufficient size to carry imposed loads;
 6. Ineffective or inadequate waterproofing of exterior walls, exterior chimneys, roofs, foundations or floors, including windows or doors, which may cause or tend to cause deterioration, decay or damage;
 7. Defective or insufficient weather protection for roofs, foundation or exterior wall covering, including lack of paint or weathering due to lack of paint or other protective covering, which may cause or tend to cause deterioration, decay or damage;
 8. Fireplaces or chimneys which list, bulge or settle due to defective material or deterioration or are of insufficient size or strength to carry imposed loads with safety;
 9. Any fault or defect in the building or structure which renders it not properly watertight or otherwise compromises the life and character of the building or structure.
- C. Every owner or person in charge of a scenic landmark shall keep in good repair all portions thereof.

Section 7.15 – Notable Trees

- A. Trees designated as Notable Trees must meet one or more of the criteria outlined in Section 705 and be designated through the procedure outlined in Section 7.06.

- B. A Certificate of Appropriateness shall be required for the removal of a Notable Tree, but no Certificate of Appropriateness shall be required for the removal of other trees.

Section 7.16 – Appeals

- A. Any person aggrieved by a decision of the Community Preservation Panel relating to hardship or a certificate of appropriateness may, within fifteen (15) days of the decision, file a written appeal with the Village Board of Trustees for review of the decision. Appellate reviews shall be conducted based on the same record that was before the Panel and using the same criteria prescribed in this Article.

Section 7.17 – Enforcement and Penalties

- A. All activities conducted and work performed pursuant to a Certificate of Appropriateness issued by the Community Preservation Panel under this Article shall conform to the requirements expressly stated in the certificate or reasonably implied there from. It shall be the duty of the Zoning Officer to periodically inspect any such work to assure compliance with the certificate and all applicable laws. In the event any requirement included in the certificate of appropriateness has not been met, or upon notification of that fact by the Community Preservation Panel, the Zoning Officer shall issue a stop-work order in accordance with Article XVIII of this Local Law, and all work shall immediately cease. No further work shall be undertaken on the project as long as a stop work order is in effect.
- B. Any owner or person in charge of a property who demolishes, alters, constructs, or permits a designated property to fall into a serious state of disrepair in violation of this Article in the absence of a certificate of appropriateness, a finding of economic hardship, or other approval by the commission, may be required to restore the property and its site to its appearance prior to the violation.
- C. If, in the judgment of the Community Preservation Panel, a violation of this Article exists that will result in a detrimental effect upon the life and character of a designated historic resource, landmark, property or on the character of a historic district as a whole, the Panel shall notify the Zoning Officer. If, upon investigation, the Zoning Officer finds non-compliance with the requirements of the Property Maintenance Code of the New York State Fire Prevention and Building Code, or any other applicable law or regulation, the Zoning Officer shall order such remedies as are necessary and consistent with this Article and shall provide written notice thereof to the Panel.
- D. The Community Preservation Panel shall notify the Village Board of Trustees of all enforcement matters arising under this Article, who may refer to the Village Attorney any such matter that should be enforced in court. Court action to enforce this Article shall be brought by the Village Attorney or other attorney designated by the Village Board of Trustees. Civil remedies authorized under Article XVIII of this Local Law shall be in addition to and not in lieu of any criminal prosecution and penalty.
- E. Any violation of the provisions of this Article shall constitute a violation of the Zoning Law and shall be subject to the procedures, fines, penalties, etc. as prescribed in Article XVIII of this Local Law.

ARTICLE VIII: NON-CONFORMITIES

Section 8.01 – Continuation

- A. The lawful use of any structure or land, or the lawful dimension of a structure or lot existing at the effective time of this Local Law may be continued although such use does not conform with the provisions of this Local Law except as otherwise provided in this Article.

Section 8.02 – Alteration or Extension

- A. A non-conforming use may not be enlarged, moved or expanded, increased in intensity nor may a non-conforming use be changed except to a conforming use. Such prohibited activity shall include, but not be limited to:
1. Expansion of such use to any structure or land area.
 2. Expansion of such use within a building or other structure to any portion of the floor area that was not occupied by such legal non-conforming use on the effective date of this Local Law, or any amendment to this Local Law, which causes such use to become non-conforming.
 3. An extension or change of the hours of operation of such use beyond the previously existing legal hours of operation at the adoption of this Local Law.

Section 8.03 – Restoration

- A. No legal non-conforming structure that is damaged or destroyed by fire or other cause beyond the control of the owner to the extent of more than seventy-five percent (75%) of its fair market value shall be repaired, reconstructed or used except in conformity with the regulations of this Local Law. Structures with damage to the extent of seventy-five percent (75%) or less of the fair market value may be reconstructed, repaired or used for the same non-conforming use subject to the following provisions:
1. A permit for said restoration or replacement is issued by the Zoning Officer within one (1) year of the damage to or destruction of said structure; and
 2. Work for which the permit is issued is begun within six (6) months of the issuance of said permit; and
 3. The restoration or replacement shall not exceed the height, area or volume of the pre-existing non-conforming structure except as provided by Section 8.02 above, and is in the same location except in correction of a non-conformity.
 4. The restoration or replacement shall not exceed the height, area or volume of the pre-existing non-conforming structure, and is in the same location except in correction of a non-conformity.

Section 8.04 – Abandonment

- A. Whenever a non-conforming use has been discontinued for a period of one (1) year, it shall be deemed abandoned. Such use shall not thereafter be re-established, and any future use shall be in conformity with the provisions of this Local Law.

Section 8.05 – Changes

- A. Once changed to a conforming use, no structure or land shall be permitted to revert to a non-conforming use. A non-conforming use may be changed to another non-conforming use only under the following conditions:

1. Such change shall be permitted only by Special Use Permit and Site Plan Review in accordance with Articles VI and XIII.
2. The applicant shall show that the original non-conforming use cannot reasonably be changed to a use permitted in the zoning district where such non-conforming use is located. The burden of this proof is on the owner of the use or applicant for the Special Use Permit being sought.
3. The applicant shall show that the proposed change will be less objectionable in external effects than the existing non-conforming use with respect to:
 - a. Traffic generation and congestion including truck, passenger car, and pedestrian traffic;
 - b. Noise, smoke, dust, noxious matter, heat, glare, vibration;
 - c. Storage and waste disposal; and
 - d. Appearance.

Section 8.06 – Displacement

- A. No non-conforming use shall be extended to displace a conforming use.

Section 8.07 – Zoning District Changes

- A. Whenever the boundaries of a zoning district shall be changed so as to transfer an area from one zoning district to another zoning district of a different classification, any non-conforming uses or structures existing therein shall be subject to the foregoing provisions.

Section 8.08 – Zoning Permit Required

- A. Zoning permits shall be issued by the Zoning Officer for all lawful non-conforming uses existing at the effective date of this Local Law. The zoning permit shall include a statement that the use is non-conforming and shall list the specific conditions under which said use may continue. It shall be signed by both the Zoning Officer and the Owner. The burden of seeking out and securing a Zoning Permit for a non-conforming use is that of the property owner and not the Zoning Officer.

ARTICLE IX: NATURAL RESOURCE PROTECTION

Section 9.01 – General Planning Considerations

- A. In considering an application for any form of development, the reviewing board or official shall take into consideration the importance of protecting the Village’s stream corridors and Cayuga Lake as water resources, wildlife and plant habitat, and scenic area and may require the applicant to locate structures and take other necessary measures to protect these resources.

Section 9.02 – Flood Hazard Overlay District

- A. Purpose. The purpose of the Flood Hazard Overlay District is to enforce the Village of Aurora Local Law #2 of 2007: Flood Damage Prevention Law as may be amended from time to time. Additionally, this Overlay District is established to assist in controlling the alteration of natural floodplains and help minimize the potential for public and private losses due to flood conditions that can be attributable to the cumulative effect of obstruction in the floodplain causing increases in flood elevations and velocities, and by the presence of uses, which are inadequately elevated, flood proofed, or otherwise protected.
- B. Intent. The intent of this Overlay District is to protect the public health, safety, and welfare from damage and other losses, to the extent practicable, from future flooding damage within the flood hazard areas in the Village of Aurora as determined, mapped, and updated by the Federal Emergency Management Agency (FEMA). It is also the intent of the Village to ensure future development in this overlay district adheres to the requirements of the Federal Flood Insurance Program, especially where base flood elevations have been determined, by requiring site plan review for all future development. Overlay Districts do not affect the underlying zoning district with respect to uses and how they are or are not permitted. The regulations of the Overlay District are in addition to, not a replacement of, all applicable regulations in this Local Law for the underlying zoning district. This overlay district is shown on Appendix II: Natural Resource Protection Map in this Local Law.
- C. Procedures For Actions in Flood Hazard Areas.
1. All activities undertaken in areas designated as a flood hazard area by the Federal Flood Insurance Program on maps prepared by the Federal Emergency Management Agency (FEMA), including any future revisions to said maps, shall comply with applicable regulations of the Village of Aurora Local Law #2 of 2007: Flood Damage Prevention Law. Said law is on file with and available from the Village Clerk and the Zoning Officer.
 2. The Zoning Officer is hereby authorized and charged with the responsibility to determine if a subject property is within the Flood Hazard Overlay District and is also the individual responsible for administering and implementing the Village’s Flood Damage Prevention Law by granting or denying development permits in accordance with said law’s provisions.
 3. Permit Required. Landowners with property located within the Flood Hazard Overlay District shall submit a Floodplain Development Permit to the Zoning Officer for all construction and development activities to be undertaken in the Overlay District in accordance with the provisions of the Village’s Flood Damage Prevention Law.
 4. Construction Standards. The construction standards enumerated in the Village’s Flood Damage Prevention Law shall be met for all development proposed in the Flood Hazard Overlay District.
 5. The Zoning Board of Appeals shall hear and decide appeals and requests for variances from the requirements of the Village’s Flood Damage Prevention Law in accordance with the specific procedures and conditions provided in Section 6.0 of said law.

Section 9.03 – Environmental Performance Standards

- A. Compliance With Performance Standards. No use requiring site plan approval, a Special Use Permit, or subdivision approval shall hereafter be established, altered, moved, or expanded unless it complies with the performance standards set forth in this section. Continued conformance with such standards, once applicable, shall be a requirement for the continuance of any certificate of occupancy.
- B. Purpose of Performance Standards. Consistent with the general purposes of this Local Law, performance standards shall set specific controls on potentially objectionable external aspects of all uses in order to:
 - 1. Reduce to a reasonable minimum the dissemination of smoke, gas, dust, odor, or other atmospheric pollutants outside the building in which the use is conducted.
 - 2. Control noise and light trespass beyond the boundaries of the site of the use.
 - 3. Limit the discharge of treated wastes and prohibit the discharge of untreated wastes into any watercourse.
 - 4. Limit the dissemination of vibration, heat, or electromagnetic interference beyond the immediate site on which the use is located.
 - 5. Limit physical hazard by reason of fire, explosion, radiation, or any similar cause.
 - 6. Regulate and control the generation and flow of vehicular traffic in order to prevent hazardous conditions, traffic congestion and excessive noise in the streets.
- C. Smoke, Dust, and Other Atmospheric Pollutants.
 - 1. General Control. The emission of smoke and other particulate matter shall not be permitted in violation of applicable regulations of the New York State Department of Environmental Conservation (DEC), including but not limited to 6 NYCRR Part 201. Pollutants that are not regulated by the DEC shall not be emitted if they pose a substantial risk to public health, safety, or welfare.
 - 2. Maximum Permitted Emission of Dust.
 - a. The emission of dust related to combustion for indirect heating from any source shall not exceed 0.30 pounds of dust per thousand pounds of flue gas adjusted to fifty percent excess air for combustion.
 - b. There shall be no measurable emission of dust or other particulate matter not related to combustion for indirect heating.
 - c. Properties shall be suitably improved and maintained with appropriate landscaping, paving, or other materials to minimize windblown dust and other particulate matter.
- D. Odor. With the exception of those agricultural and farming operations that are subject to the applicable provisions of Article 25-AAA of the New York Agriculture and Markets Law, no land use shall be permitted which emits any discernible obnoxious odor outside the lot on which the use is conducted.
- E. Toxic or Noxious Matter. No use shall be permitted which will cause the release of toxic or noxious fumes or other matter outside the building in which the use is conducted.
- F. Radiation. The handling, storage or disposal of radioactive materials or waste by-products shall be conducted strictly in accordance with applicable federal and state standards.
- G. Electromagnetic Interference. No operation shall be permitted which produces any perceptible electromagnetic interference with normal radio or television reception in any area, unless federal or state regulation requires such operation to be permitted.

- H. Fire and Explosion Hazard. All activities involving the use or storage of flammable or explosive materials shall be provided with adequate safety devices against the hazard of fire and explosion.
- I. Exterior Illumination and Glare. All exterior lighting, including security lighting, in connection with all buildings, signs or other uses shall be shielded and directed downward and away from adjoining streets and properties. The Planning Board may require special efforts to reduce the impacts of exterior lighting, such as limiting hours of lighting, planting screening vegetation, or installing light shields to alleviate the impact of objectionable or offensive light and glare on neighboring residential properties and public thoroughfares.
1. Light trespass shall be considered nuisance lighting when:
 - a. Illuminance at or beyond a property line abutting a residential parcel, nature preserve, or waterway exceeds 0.05 footcandle as measurable from any orientation of the measuring device; or
 - b. Illuminance at or beyond a property line abutting a nonresidential property or public right-of-way exceeds 0.1 footcandle as measurable from any orientation of the measuring device.
 2. Glare light shall be considered nuisance lighting when a light source is seen from a neighboring property or roadway at sufficient intensity to cause discomfort, annoyance, or impaired visibility.
- J. Liquid and Solid Wastes. The discharge of any or all wastes shall be permitted only if in complete accordance with all standards, laws and regulations of the Cayuga County Health Department, New York State Department of Environmental Conservation or any other regulatory agency having jurisdiction. Facilities for the storage of solid waste shall be so located and designed as to be screened from the street or from any adjoining property and so as to discourage the breeding of rodents or insects.
- K. Traffic. For the purpose of preventing congestion in the streets, promoting the safe and efficient use of public transportation, protecting air quality, promoting fuel conservation, and otherwise protecting the public health, safety and welfare, the following specific traffic standards are hereby established to serve as a guide for Village officials and agencies in the review of applications for development approvals:
1. The applicant of any development requiring site plan approval, a Special Use Permit, or subdivision approval shall provide the Planning Board with information pertaining to potential traffic generation. If the Planning Board determines that it is necessary, the Planning Board may require the submission of a traffic impact study (TIS) prepared by a qualified traffic engineer.
 - a. The TIS shall evaluate potential impacts to roadway and intersection operating conditions at locations and peak hours to be determined by the reviewing agency.
 - b. The latest available version of the Highway Capacity Manual and/or software based on the Highway Capacity Manual shall be used to conduct the TIS.
 - c. The TIS shall be based on traffic volume data not more than three (3) years old.
 - d. Level of Service (LOS), measured on a scale of A to F (free flow – breakdown flow) will be used to in determining significant adverse traffic impacts requiring project mitigation, and shall be defined as any of the following occurring within the first year of operation of full build-out of the proposed project or, in the case of phased construction, during the first year of operation of each phase for which approval is sought:

- i. Any reduction in Level of Service (LOS) to less than LOS D (approaching unstable flow) at a street intersection that operates at LOS D or better without the proposed project.
 - ii. Any increase in delay times for intersections operating at LOS E (unstable flow) or below.
 - iii. Introduction of new traffic volumes that will cause the overall volume of the roadway to exceed the design capacity of the mainline (non-intersection) highway sections within the TIS study area.
 - e. If the outcomes listed in Subsection K,1,d above would occur in any case due to other planned projects or background growth in the area that would affect that intersection or roadway segment, then the proposed project may be approved, provided that adequate mitigation plans are made to ensure safe and efficient operating conditions at the affected intersection(s).
2. Any development application for which a TIS is not submitted shall provide sufficient information to ensure safe entering and exiting conditions (e.g. sight distance, driveway width and grade) at all proposed ingress and egress points.
3. In projecting future levels of service and the capacity of mainline highway sections, accepted traffic engineering procedures, as determined satisfactory by the Planning Board, shall be utilized, using the following requirements as a guide:
 - a. Base-year traffic conditions, including peak-hour traffic volumes and turning movements, must be documented either through direct field surveys or from other available current data sources.
 - b. Projected volumes must include estimated traffic generation from the proposed development during peak hours of on-site traffic activity as well as peak hours of street system activity.
 - c. Daily trip generation estimates must be provided. Information published by the Institute of Transportation Engineers (ITE) will generally be relied upon as a basis for estimating trip generation, although the Planning Board may allow or require a departure from the use of specific ITE averages where the Planning Board determines that such departure is warranted by unique characteristics which may be present in the proposed project.
 - d. Allowance shall also be made for traffic which is expected to be generated by other projects already approved or under construction within the Village or within neighboring communities, as well as an additional allowance for general regional traffic volume changes.
 - e. Estimated traffic generation must be distributed throughout the access network in accordance with clearly stated distribution assumptions determined acceptable by the Planning Board.
 - f. The capacity analysis of the intersections or mainline highway section roadway system shall be calculated both with and without site-generated traffic. In analyzing such capacity, the applicant shall use methods generally recognized by national authorities, such as the Transportation Research Board of the National Academy of Sciences, and/or methods accepted by the New York State Department of Transportation. Traffic capacity estimates may take into account improvements planned by the applicant or by others, provided that, in either case, a specific commitment to construct such improvements has been made.

- L. Review Procedures. As a part of site plan review of an application for the establishment of a use which, in the Planning Board's judgment, could have potentially objectionable external aspects and therefore be subject to these performance standards, the Planning Board may require the Applicant, at his or her own expense, to provide such evidence as it deems necessary to determine whether the proposed use will comply with these standards.

Section 9.04 – Riparian Buffer Regulations

- A. Findings. The Village Board of Trustees of the Village of Aurora hereby finds that the encroachment of development activities into stream corridors could create a public and private nuisance, degrade the natural environment, and be harmful to the public health, safety, and welfare. Such activities can increase the risk of flooding in the stream corridor, damage water quality in the surface waters within and downstream of the village, harm the aesthetic qualities of the village, damage wildlife and vegetative habitat, pose additional threats to rare, threatened, and endangered species that depend on riparian habitats, and tend to depreciate the value of properties in the village. The Village Board of Trustees finds that these problems can be diminished by applying a primary and a secondary riparian buffer to all stream corridors within the village in keeping with the standards established in this Local Law.
- B. Purpose. The purpose of this Article is to establish requirements for creating and maintaining buffers to protect the water quality in the streams of the village and the natural environment around them, thereby protecting public health, safety and welfare in this village. This Article promotes the prevention of sediment, nutrient and pollutant loads from entering streams by maintaining stream buffers measured from the top of the stream bank with a width to be determined by the conditions adjacent to the stream corridor. Research has shown that the distances set forth within this local law are effective at filtering nutrients and pollutants to protect water quality. Additionally, creating buffers for structures and improvements from highly erodible streams will help minimize future property damage and other impacts associated with streambank erosion. Although it is not mandated in this Article, the village strongly encourages landowners to maintain stream buffers of 330 feet from the top of stream bank on undeveloped land, where feasible, in order to protect wildlife and vegetative habitat.
- C. Definitions. As used in this Article, the following terms shall have the meanings indicated. See Article II of this Local Law for other applicable definitions.

Bank: The lateral confines of a stream, river, or other watercourse that contain the normal flow of the watercourse.

Buffer: Land on each side of a stream that shall be left vegetated to provide riparian corridor functions. Buffers are measured horizontally from the top of the stream bank in a direction directly perpendicular to the bank and in the horizontal plane.

1. Primary Riparian Buffer Area: The buffer area closest to the stream that is generally left undisturbed which is typically comprised of native trees and shrubs. The functions of this area include bank stabilization, habitat, shade, and flood prevention. Management activities in this area are limited to bank stabilization and removal of problem vegetation.
2. Secondary Riparian Buffer Area: The buffer area immediately adjacent to the primary riparian buffer area, the width of which is measured moving away from the primary riparian buffer area and stream, which is typically comprised of native trees and shrubs, grasses, and herbaceous plants. The functions of this area include slowing surface runoff, trapping and removing sediments, pollutants and pesticides from surface and groundwater, and habitat. Management activities in this area are limited to some removal of trees to maintain vigorous growth and mowing.

Development Activities: The construction, reconstruction, conversion, structural alteration, relocation, or enlargement of any structure or improvement that requires a permit or approval from the Village of Aurora, including that intended for agricultural use; and any mining excavation, landfill, or land disturbance, including grading and filling.

Green Infrastructure Practices: Stormwater management practices that maintain or restore natural stormwater flow pattern by allowing the water to permeate slowly into the ground and be used by plants. Green infrastructure practices generally incorporate higher functioning site design and low-impact development design techniques.

Highly Erodible Soils: Soils that have a maximum potential for erosion that equals or exceeds eight times the tolerable erosion rate.

Improvement: Alterations to the land that enhance the utility or value of the site and/or any structures thereon.

Intermittent Stream: Surface water drainage channels with definite bed and banks in which there is not a permanent flow of water (and may be represented as a dashed line on United State Geological Survey (USGS) 7.5 Minute Quadrangle maps). Sometimes referred to as “ephemeral stream.”

Parcel: A designated tract or area of land established by plat, subdivision, or as otherwise permitted by law, to be separately owned, used, developed, or built upon.

Perennial Stream: A stream that typically flows continuously throughout the year in a natural or man-made channel (which may be represented as a solid blue line on United States Geological Survey (USGS) 7.5 Minute Quadrangle maps).

Pollutant: Dredged spoil, solid waste, incinerator residue, filter backwash, sewage, garbage, sewage sludge, munitions, chemical wastes, biological materials, radioactive materials other than those regulated under the Atomic Energy Act of 1954 as amended (42 U.S.C. § 2011 et seq.), heat, wrecked or discarded equipment, rock, sand, cellar dirt and industrial, municipal, and agricultural waste discharged into water

Riparian: Of, inhabiting or situated on the bank of a natural course of water such as a river.

Stream: The full length and width, including the bed and banks, of any watercourse that has a channel which periodically or continuously contains moving water and has a defined bed, and has banks that serve to confine water at low to moderate flows (and may be represented as either a solid or dashed blue line on United States Geological Survey (USGS) 7.5 Minute Quadrangle maps). For the purpose of this Local Law, constructed drainage-ways, including water bars, swales, and roadside ditches, are not considered streams, unless they were constructed by channelizing or otherwise modifying a natural stream, wetland, or water body of any kind.

Tolerable Erosion Rate: The maximum rate of soil erosion that is equaled by the rate of soil development, thus allowing an equilibrium between the amounts of soil lost and gained. Values for allowable soil loss for different soil types may be found in Section II of the Field Office Technical Guide (FOTG) for the County of Cayuga maintained by the Natural Resources Conservation Service of the U.S. Department of Agriculture.

Top of Stream Bank: The primary edge of the ordinary high water mark, or break in slope for a watercourse that maintains the integrity of the watercourse.

Undeveloped Land: A parcel of land that does not contain residential and/or commercial structures that have been issued certificates of occupancy or the equivalent from the Zoning Officer. Land that contains structures constructed without valid building permits or other

approvals, and/or which have not been issued a certificate of occupancy or the equivalent shall be considered to be undeveloped.

Wetlands: Lands, including submerged lands, saturated by water at a frequency and duration sufficient to support vegetation adapted for life in saturated soil conditions. For the purpose of this Local Law, wetlands are limited to those lands that meet any of the following criteria: 1) are categorized as wetlands by the New York State Department of Environmental Conservation (NYSDEC); 2) have been documented and mapped as part of an officially adopted community wetlands inventory; and/or 3) meet the U.S. Army Corps of Engineers' definition of a wetland.

- D. Applicability. This Article shall apply to all proposed development activities in the village. The Riparian Buffer Area, both Primary and Secondary, shall be acknowledged and displayed graphically on all plans and relevant materials that are submitted to the village as part of any land use approval process, including approvals for subdivisions, site plans, building permits and appeals for variances. These requirements do not supersede or replace any greater applicable requirements established under state, federal or local law.
- E. Protection Requirements for Perennial Streams. The required buffer shall be established for all development activities, as defined in Paragraph C above, that occur in proximity to perennial streams with additional considerations for wetlands, highly erodible soils, 100-year floodplains and steep slopes. The buffer shall be subdivided into a Primary Riparian Buffer and a Secondary Riparian Buffer that protects overall water quality by limiting development in accordance with the adjacent land's ability to filter sediment, nutrients, and other pollutants. The buffer will provide stability to the stream and stream bank. The minimum total buffer width for all perennial streams is one hundred (100) feet as measured from the top of the stream bank. There is no established maximum buffer width.
- F. The delineation of any applicable Primary or Secondary Riparian Buffers shall be required on all subdivision plats, site plan applications, special permits, special approval and variance applications, building permit applications, and excavation or fill permit applications, even in the event that a stream is not located within the subject parcel but the Primary Riparian Buffer and/or the Secondary Riparian Buffer is located on the subject parcel. This delineation shall be subject to review and approval by the appropriate board or officer. Said delineation shall also be referenced in any deed for any parcel located wholly or partly within any Primary or Secondary Riparian Buffers, which shall state that "The premises hereby conveyed are subject to a Primary and/or Secondary Riparian Buffer established pursuant to the Village of Aurora Zoning Law, as shown on *[plat or other map or permit]* recorded in the Office of the Cayuga County Clerk on *[insert date]* in *[book/page/file/drawer]*." Prior to any soil-disturbing activity requiring a permit or approval by the village, the Primary Riparian Buffer and Secondary Riparian Buffer shall be clearly delineated on site and shall be left undisturbed or otherwise protected throughout the construction phase.
1. Riparian Buffer Area. The Riparian Buffer area will begin at the top of the stream bank and extend a minimum of 100 feet horizontally measured in a direction directly perpendicular to the stream bank in a horizontal plane. The Buffer area will be divided into a Primary Riparian Buffer extending 50' from the stream bank and a Secondary Riparian Buffer extending 50' from the outward edge of the Primary Riparian Buffer. Should a wetland or a 100-year floodplain exist at least partially within the Secondary Riparian Buffer, the entirety of that area will be included within the Secondary Riparian Buffer and will be subject to the restrictions afforded to the Secondary Riparian Buffer. Should a steep slope or highly erodible soils exist partially within the Secondary Riparian Buffer, that steep slope or highly erodible soil area up to a maximum of 400 feet from the stream bank shall be included within the Secondary Riparian Buffer.

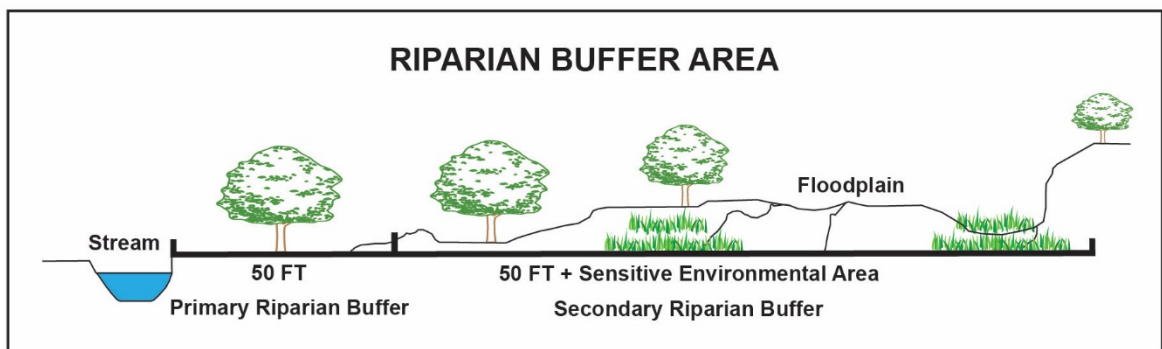


Figure 8: Riparian Buffer Area

2. Primary Riparian Buffer.

- a. Purpose. The function of the Primary Riparian Buffer is to protect the physical and ecological integrity of the portion of the riparian corridor in closest proximity to the stream through protection and enhancement of the vegetation. Vegetation provides erosion protection, shade, leaf litter, woody debris, wildlife habitat, and filtering of sediment, nutrient and pollutant loads to the stream.
- b. Permitted Uses. Development and use within the Primary Riparian Buffer are restricted to the following uses, which in aggregate may modify or cause adverse impacts to no more than 10% of the entire Primary Riparian Buffer unless more area is necessary for the protection of human health, public utility usage, or public infrastructure.
 - i. Benches or seating;
 - ii. Implementation of educational and scientific research activities that enhance or otherwise do not negatively impact the composition or health of the existing vegetation;
 - iii. Flood control structures, bioretention areas or other green infrastructure stormwater management practices, and stream bank stabilization measures approved by the Cayuga County Soil and Water Conservation District, U.S. Natural Resource Conservation Service, U.S. Army Corps of Engineers, or NYSDEC;
 - iv. Maintenance of roadways or impervious surfaces existing at the time of the adoption of this provision;
 - v. Culverts or other stream crossings necessary to construct a driveway, transportation route, or public utility structures necessary to provide access or utility service to a parcel, which are designed to minimize negative impacts to the stream and Primary Riparian Buffer;
 - vi. Public water supply infrastructure, including wells, public wastewater outfall structures, and associated pipes;
 - vii. Public access and water-dependent public recreational facilities, including boat ramps, docks, foot trails leading directly to the stream, fishing platforms, and overlooks;
 - viii. Public sewer lines and/or other utility easements.
 - ix. Techniques to remove invasive species;
 - x. Non-paved recreational trails no wider than 10 feet that either provide access to the stream or are part of a continuous trail system running roughly parallel to the stream;

- xi. Storage of nonmotorized recreational watercraft measuring less than 15 feet in length;
 - xii. Use of temporary erosion control measures, including but not limited to silt fencing, that are installed, maintained and removed after site stabilization is completed according to New York Standards and Specifications for Erosion and Sediment Control, most current version;
 - xiii. Limited tree cutting, forestry or vegetation management done in accordance with a Forest Stewardship Plan prepared by the Department of Environmental Conservation, a forester who is certified by the Society of American Foresters or such successor organization as is later created, or a Cooperating Consulting Forester with the New York State Department of Environmental Conservation. Any harvest must furthermore be done in accordance with the New York State Forestry Best Management Practices for Water Quality – BMP Field Guide. Vegetation management may not compromise the integrity of the stream bank or negatively impact the function of the Primary Riparian Buffer. Tree cutting within 25 feet of the top of stream bank is prohibited. Any such activity must retain at a minimum 60% of the preexisting tree canopy in the Primary Riparian Buffer at all times. Notwithstanding the foregoing, removal of trees in any location shall be permitted where such trees pose an imminent threat to property or public safety.
3. Secondary Riparian Buffer.
- a. Purpose. The function of the Secondary Riparian Buffer is to filter sediment, nutrients and pollutants in runoff and slow the rate at which runoff enters the Primary Riparian Buffer.
 - b. Permitted Uses. Uses within the Secondary Riparian Buffer are restricted to the following:
 - i. All uses permitted in the Primary Riparian Buffer;
 - ii. Minor recreational structures and improvements to allow passive recreation in the Secondary Riparian Buffer such as decks, picnic tables, playground equipment, and small concrete slabs, which each may not exceed 200 square feet in area, and which in aggregate may occupy no more than 10% of the Secondary Riparian Buffer area on the parcel;
 - iii. Fences, provided such structures do not impede floodwaters;
 - iv. Landscaping, planting or routine maintenance activities that do not encroach upon or negatively impact the Primary Riparian Buffer.
- G. Prohibited Activities in the Riparian Buffer. The following activities are explicitly prohibited in both the Primary and Secondary Riparian Buffers.
- 1. Storage or placement of any hazardous materials, including any septic system. All septic systems, including drain fields and raised systems, must be located a minimum of 100 feet from a perennial stream.
 - 2. Knowing or unknowing introduction of invasive vegetative species that may impact vegetation present within the stream corridor. For a listing of invasive vegetation to avoid, refer to the NYSDEC List of Prohibited and Regulated Invasive Species in 6 NYCRR Part 575 and the NYSDEC Division of Materials Management Bureau of Pest Management. If invasive or nuisance species are present on your property, NYSDEC may have developed a protocol to combat that species. Refer to the NYSDEC website for additional information.

3. Waste storage and disposal, including but not limited to disposal and/or dumping of snow and ice, recyclable materials, manure, hazardous or noxious chemicals, used motor vehicles or appliances, and other abandoned materials.
 4. Any combination of permitted or exempt activities that may compromise or alter more than 10% of the combined Primary and Secondary Riparian Buffer area that lies within a parcel.
 5. Mining or removal of soil, sand and gravel, and quarrying of raw materials.
 6. Widening, straightening or otherwise altering the beds or banks of streams, except where the NYSDEC has issued a permit expressly allowing such activities on the parcel.
 7. Application of herbicides, pesticides, fertilizers, or other chemicals that contain hazardous substances, as defined in 6 NYCRR Part 597.
 8. Parking of motorized vehicles, including watercraft.
 9. Construction or replacement of private wells within 100 feet of perennial streams.
 10. Altering habitat of threatened or endangered species, as defined at 6 NYCRR Part 182.
- H. Protection Requirements for Intermittent Streams. Although seasonal or temporary in nature, ephemeral and intermittent streams provide the same ecological and hydrological functions as perennial streams by moving water, nutrients, and sediment through watersheds. These streams provide hydrological connections across the landscape, absorb high volumes of water during storm events and other high-water flows to reduce erosion and improve water quality. For those streams classified as intermittent, only the Primary Riparian Buffer shall apply, and it shall be measured in the same manner as provided for a perennial stream in Paragraph F,1 of this Article. All provisions applicable to the Primary Riparian Buffers for perennial streams shall apply to intermittent streams.
- I. Variance Procedures. Variances from the above buffer and setback requirements may be granted only in accordance with the following provisions. Except as provided below, the Zoning Board of Appeals shall grant no area variance from the setback or distances required in this Section without conducting a public hearing on the application for an area variance; and issue a notice of public meeting on such variance in a newspaper of general circulation in the municipality at least ten (10) calendar days prior to such hearing. Such notice shall be forwarded at least ten (10) calendar days in advance by a registered letter to the Highway Superintendent, to the Cayuga County GML-239 Review Committee, and appropriate state and federal agencies affected.
1. A variance shall be granted only upon a finding that a property's shape, topography or other physical conditions prevents land development unless a variance is granted, or that strict adherence to the minimal buffer and setback requirements would create extreme hardship.
 2. A variance request shall include the following information in written documentation:
 - a. A to-scale site map with stream, wetlands, slopes and other natural features locations as determined by field survey;
 - b. Description of the topography, slopes and soil type, shape of property, natural vegetation, and other distinguishing or prohibitive physical characteristics of the property;
 - c. The locations and footprint of all existing structures and other impervious cover on a site map, with footprint for proposed structures. This map shall include the limits of all existing and proposed land disturbance, both inside and outside the buffer and setback;
 - d. The exact area of the affected buffer and setback, and nature of proposed changes to be made to these areas shall be accurately and clearly indicated. A calculation of the total

- area and length of the proposed intrusion and any pre-existing intrusions shall be included;
- e. A stormwater management plan given the proposed changes and intrusions;
 - f. Documentation of supposed hardship should the buffer be maintained;
 - g. Proposed mitigation for the intrusion.
3. The following matters will be considered in determining whether to issue a variance:
- a. The shape and physical characteristics of the property;
 - b. The locations of all streams on and/or adjacent to the property;
 - c. The location and extent of the proposed buffer or setback intrusion;
 - d. Whether alternative designs are possible which require less intrusion;
 - e. The water-quality impacts of the proposed variance.

Section 9.05 – Wetland Protection Regulations

A. Purpose and Intent.

1. The purpose of this Section is to promote the health, safety, and welfare of the residents of Aurora by preserving, protecting and conserving wetlands through careful regulation and control so that the multiple functions and benefits they provide may continue, thereby helping to protect property from damages caused by flooding and other losses due to wetlands destruction.
2. This Section is intended to regulate the dredging, filling, deposition or removal of materials; degradation of water quality; the diversion or obstruction of water flow; and the placement of structures in, and other uses of, wetlands in the Village in accordance with the New York State Freshwater Wetlands Act and Article 24 of the New York State Environmental Conservation Law and the Clean Water Act of the United States.

B. Procedures for Development in Designated Wetlands.

1. Development activities, including but not limited to, construction of structures, buildings, or utilities; dredging, grading, filling, draining; or discharging into or adjacent to wetlands shall comply with the following regulations:
 - a. All development activities undertaken in areas designated as a regulated wetlands by the New York State Department of Environmental Conservation (NYS DEC) shall comply with all applicable regulations of the NYS Freshwater Wetlands Permit Requirements (6NYCRR Part 663). The New York State regulated wetlands in the Village of Aurora are shown on Appendix II: Natural Resource Protection Map in this Local Law.
 - b. All development activities undertaken in areas designated as a wetland under the Clean Water Act of the United States and mapped through the National Wetland Inventory (NWI) by the US Fish & Wildlife Service shall comply with all applicable regulations of said Act and may be required to obtain a permit for said activity from the US Army Corps of Engineers. The NWI wetlands in the Village of Aurora are shown on Appendix II: Natural Resource Protection Map in this Local Law.
2. Permits. All required permits for development in and adjacent to a wetland; or for the otherwise disturbance of a wetland shall be secured by the landowner or their designated agent prior to the commencement of any development activity. Obtaining such approval or permits is the sole responsibility of the landowner. A copy of the approved permit and all

associated paperwork, drawings, etc. shall be submitted to Planning Board as part of the required documents for site plan approval, a Special Use Permit, or subdivision approval.

Section 9.06 – Steep Slope Regulations

A. Purpose. The purpose of the steep slope regulations established in this section is to provide special controls over land development located in these sensitive environmental areas within the Village of Aurora. The Village finds that the alteration of steep slope areas poses potential risks of erosion, sedimentation, landslides, and the degradation of scenic views. These regulations are designed to preserve, protect and manage sensitive steep slope features with grades of 15% or greater in order to minimize erosion, pollution and environmental damage; reduce soil, pavement and building subsidence; ensure proper emergency access; and preserve and enhance, to the extent practicable, public scenic views as identified in the Comprehensive Plan.

B. Intent. These regulations are not intended to be substituted for zoning district provisions but shall be considered as additional requirements to be met by the applicant prior to project approval. The purpose of the steep slope regulations is to provide the Village with an additional level of review and regulation that controls how land development permitted by the Village's zoning districts should occur on slopes of 15% grade or greater and within a 50-foot zone at the top and bottom of such slopes.

C. Definitions. As used in this section, the following terms shall have the meanings indicated, unless otherwise stated:

Site Disturbance: Any activity that removes the vegetative cover from the land surface.

Steep Slope: A ground area with a 15% gradient or greater.

1. 15% slope: A ground area with a 15% gradient (a ratio of 15 feet of vertical distance to every 100 feet of horizontal distance) for a vertical height of 35 feet or more and covering a minimum horizontal area of 500 square feet.
2. 25% slope: A ground area with a 25% gradient (a ratio of 25 feet of vertical distance to every 100 feet of horizontal distance) for a vertical height of 35 feet or more and covering a minimum horizontal area of 500 square feet.

Vegetative Cover: Grasses, shrubs, trees, and other vegetation which holds and stabilizes soils.

D. Applicability. The steep slope regulations in this Section shall apply to all steep slopes within the Village as defined herein; and shall also apply to a 50-foot zone along the top and bottom of such slopes. The Village has the authority to amend or add to these regulations as necessary. Field investigations and/or other environmental analyses may be required in order to determine whether a proposed regulated activity is included within the regulated area. Determination of the status of a particular activity in terms of its presence within or near a steep slope of 15% or greater shall be made by the Zoning Officer. There are two categories of steep slopes that shall be subject to these regulations as follows:

1. Areas with steep slopes equal to or greater than 15% but less than 25% including a 50-foot zone along the top and bottom of such slopes.
2. Areas with steep slopes that are equal to or greater than 25% including a 50-foot zone along the top and bottom of such slopes.

E. Map. Approximate boundaries of the areas with steep slopes as defined herein are shown on Appendix III: Steep Slopes Map in this Local Law, which shall be used for reference purposes only and shall not be used to delineate exact boundaries.

1. Slope determinations shall be made based upon the topographic information required for a particular approval, along with such other topographic information as the reviewing board or official shall reasonably require.
 2. For purposes of determining the location of steep slope areas, only contiguous slopes containing at least 3,000 sq. ft. shall be considered.
- F. Steep Slope Permit. A Steep Slope Permit is required for any regulated activity as defined herein. Steep Slope Permits shall be issued by the Zoning Officer.
1. If the site is subject to the NYS Department of Environmental Conservation State Pollutant Discharge Elimination System (SPDES) permitting process, the applicant shall submit verification of compliance with those requirements before the Steep Slope Permit is granted.
- G. Regulated Activities and Exemptions.
1. No construction, grading, excavation or other activity that results in site disturbance, including cutting of vegetation or construction of driveways, shall be permitted on any land with a slope of 25% or greater, or within a 50-foot transition zone at the top and bottom of slopes with a 25% grade or greater, except in any of the following circumstances:
 - a. As may be needed for stream bank stabilization, foot trails and utility lines.
 - b. In conjunction with timber harvesting operations performed pursuant to applicable guidelines of the New York State Department of Environmental Conservation using NYS Forestry Best Management Practices for Water Quality.
 - c. Non-tillable activities of a farm operation.
 - d. Where an applicant can demonstrate that there is no feasible alternative and that the impacts of any land disturbance will be fully mitigated by the best available engineering, erosion control, and visual impact mitigation practices.
 2. Any construction, grading, excavation, or other activity that results in site disturbance that takes place on a slope equal to or greater than 15% but less than 25% or within a 50-foot transition zone at the top and bottom of these slopes shall conform to these steep slope regulations, unless exempted by this section. The following activities are exempted by this section:
 - a. Any planting or installation of landscape materials which does not require disturbance of existing terrain;
 - b. Emergency situations, as determined by the Zoning Officer, where the disturbance of steep slopes is required to protect persons or property from imminent danger;
 - c. Farming activities using sound management practices in accordance with the Sound Agricultural Practices Guidelines of the New York State (NYS) Department of Agriculture and Markets;
 - d. Timber harvesting using NYS Forestry Best Management Practices for Water Quality;
 - e. Routine repair and maintenance of an existing driveway, but not to include reconstruction;
 - f. Construction, maintenance, and repair of public utilities;
 - g. Routine and emergency construction, maintenance or repair of public highways by authorized municipal or New York State personnel;
 - h. Public water and sewer installations;

- i. Site disturbance that totals an area of less than 300 square feet.
 3. No driveway, vehicular access lane, or private road may be constructed that exceeds a 15% slope for more than 5% of its total length.
 - H. Erosion Sediment Control Plan. Applicants for Steep Slope Permits shall submit an Erosion and Sediment Control Plan (ESCP) that will enable the Planning Board to evaluate the appropriateness of the steep slope site design and the proposed erosion and sediment control measures.
 1. Contents. The ESCP shall contain provisions to control erosion and sedimentation; and reduce the impacts of stormwater, stormwater infiltration, and runoff from the site during construction and post-construction based on best management practices. The objective of such practices is to minimize soil erosion and sedimentation and ensure slope stability. ESCP contents shall include:
 - a. A narrative that provides background information about the scope of the project, site characteristics such as location, type, and size of the project, and describes the plans and maps described in this section. The narrative should highlight the erosion and sedimentation control measures, and measures to maintain slope stability, and why they will be effective.
 - b. A general location map that shows the proximity of the site to any surface water bodies, wetlands, roads, property boundaries, and other features, and shall include a USGS map as well as a map at a minimum 1:100 scale.
 - c. An existing condition site plan that shows the grading features as they currently exist, soils, existing vegetation, drainage patterns and stormwater runoff, and the locations and names of the receiving waters.
 - d. A grading plan and construction timetable that shows the proposed finished contours and drainage patterns, and addresses sequencing of the project and construction activities including clearing, grubbing, excavation, grading, utility and infrastructure installation and any other activity on the site that results in soil disturbance. The plan will also show locations of off-site material, waste, borrow or equipment storage areas, and locations of stormwater discharges. The timetable shall show how each phase of the project relates to the others and how the applicant has taken steps to minimize the amount of exposed soil at all times.
 - e. A site plan and timetable that depicts the location of all erosion and sediment control measures and a timetable that charts the sequencing of control measures. The plan shall include:
 - i. Temporary and permanent structural and vegetative measures to be used for soil stabilization, runoff control, and sediment control for each stage of the project from initial land clearing and grubbing to project close-out.
 - ii. The dimensions, material specifications, and installation details for all erosion and sediment control practices including the siting and sizing of any temporary sediment basins.
 - iii. Temporary practices that will be converted to permanent control measures.
 - iv. Description of the pollution prevention measures that will be used to control litter, construction chemicals, and construction debris from becoming a pollutant source in stormwater runoff.

- v. An implementation schedule for staging temporary erosion and sediment control practices, including the timing of initial placement and duration that each practice should remain in place.
 - vi. A maintenance schedule to ensure continuous and effective operation of the erosion and sediment control practice.
 - vii. The names of the receiving waters of new drainage patterns.
 - viii. A description of construction and waste materials expected to be stored on-site with updates as appropriate, and a description of controls to reduce pollutants from these materials including storage practices to minimize exposure of the materials to stormwater, and spill prevention and response.
 - ix. The designation of responsibility for ESCP implementation for each part of the site and phase of the project.
 - x. A description of structural practices designed to divert flows from exposed soils, store flows, or otherwise limit runoff and the discharge of pollutants from exposed areas of the site to the degree attainable.
 - xi. Maintenance schedule to ensure continuous and effective operation of each post-construction stormwater management practice.
- f. A plan prepared by a licensed professional engineer showing and certifying the following:
- i. All existing and proposed natural and artificial drainage courses and other features for the control of drainage, erosion, and water.
 - ii. The calculated volume of water run-off from slopes 15% or greater and from the lot in question, as unimproved and improved, during a 2 year, 24 hour storm event.
 - iii. The existence, location, and capacity of all natural and artificial drainage courses and facilities within 500 feet of the regulated activity, which are used, or will be used, to carry or contain the water runoff from slopes 15% or greater.
 - iv. A description of the effect of any increased water run-off on all adjacent properties and any other property which will be materially affected by increased water run-off and infiltration.
 - v. Subsurface geology and hydrology that would impact the proposed development, adjacent properties, or areas downstream of impacted water flows.
- g. Any additional provisions, methods, or procedures the Planning Board deems necessary in order to do a proper review of the regulated activity.
- I. Content Waiver. The Planning Board may waive any information requirements contained within Paragraph H above with respect to an application for a Steep Slope Permit, so long as a fully informed determination, consistent with the intent of this Section, can be made without the information.
- J. Technical Standards.
1. For the purpose of these regulations, the following documents shall serve as the official guides and specifications for slope protection and erosion and sediment control:
 - a. New York State Department of Environmental Conservation “Blue Book” also known as the New York State Standards and Specifications for Erosion and Sediment Control (most current version or its successor).

- b. The New York State Stormwater Management Design Manual by the New York State Department of Environmental Conservation (most current version or its successor, hereafter referred to as the Design Manual).
2. Alternative methods that are not outlined within this section may be used with prior approval of the Village Board of Trustees based upon a favorable recommendation from all of the following: Village Engineer and County Soil and Water Conservation District, where applicable.

K. Review Standards.

1. Considerations. In granting, denying or conditioning any application for a Steep Slope Permit, the Planning Board shall consider the following:
 - a. The effect that the proposed regulated activity will have on the public health, safety and welfare and on the protection or preservation of steep slope areas;
 - b. The compatibility of the proposed regulated activity with the preservation, protection and conservation of the steep slope and surrounding area; and
 - c. The degree to which the proposed activity conforms to the standards and criteria of the steep slope regulations in this Section.
2. Conditions. No permit to undertake a regulated activity within any area of steep slopes shall be issued unless the applicant can demonstrate that the following standards are met to the satisfaction of the Planning Board:
 - a. There is no reasonable alternative for the proposed regulated activity on that portion of the site not containing steep slopes;
 - b. There shall be no more than nominal degradation to or loss of steep slopes and surrounding areas;
 - c. Lot layouts are designed so that sanitary sewage disposal systems entirely avoid all areas classified as steep slopes and are in compliance with all standards and regulations of the Cayuga County Health Department;
 - d. Wherever possible, erosion shall be prevented by minimizing disturbance to the existing vegetative cover;
 - e. The planning, design and development of buildings and site improvements limits the rate of stormwater runoff to a zero increase with overflow to a municipal drain system where practicable and provides the maximum in structural safety, slope stability, and human enjoyment while adapting the affected site to, and taking advantage of, the best use of the natural terrain and aesthetic character;
 - f. The terracing of building sites is kept to a minimum;
 - g. Roads and driveways follow the natural topography to the greatest extent possible in order to minimize the potential for erosion, and they are consistent with other applicable regulations and current engineering practices;
 - h. Habitat is quantified and protected, no endangered species of flora or fauna are adversely impacted and any replanting shall be maintained by the applicant for two years and shall consist of indigenous vegetation that at a minimum replicates the original vegetation on the site, in kind;
 - i. Any re-grading blends in with the natural contours and undulations of the land;
 - j. Cuts and fills are rounded off to eliminate sharp angels at the top, bottom, and sides of re-graded slopes;

- k. The angle of cut and fill slopes does not exceed a slope of one vertical to three horizontal except where retaining walls, structural stabilization, or other methods acceptable to the Village Engineer are used;
 - l. Disturbance of rock outcrops is by means of explosives only if labor and machines are not effective and only if rock blasting is conducted in accordance with all applicable regulations of the Village of Aurora and the State of New York. The rock shall be effectively stabilized;
 - m. Disturbance of slopes is undertaken in workable units in which the disturbance can be completed and stabilized in one construction season so that areas are not left bare and exposed during the period from December 15 through April 15;
 - n. Disturbance of existing vegetative ground cover does not take place more than seven (7) calendar days prior to grading and construction;
 - o. Temporary soil stabilization, including, if appropriate, temporary stabilization measures such as netting or mulching to secure soil during the grow-in period, is applied to an area of disturbance within two (2) calendar days of establishing the final grade, and permanent stabilization is applied within seven (7) calendar days of establishing the final grade;
 - p. Soil stabilization is applied within two (2) calendar days of disturbance if the final grade is not expected to be established within 60 calendar days;
 - q. All proposed disturbance of slopes is undertaken with consideration of the soil limitation characteristics, in terms of recognizing the limitations of certain soil types on slopes for development and application of all mitigating measures, and as deemed necessary by the Planning Board or Village Engineer;
 - r. Structures are designed to fit into the hillside rather than altering the hillside to fit the structure, employing methods such as reduced footprint design, step-down structures, stilt houses, and minimization of grading outside the building footprint;
 - s. Development is sited on that portion of the site least likely to impact the natural landforms, geological features, and vegetation;
 - t. The construction equipment has adequate access so as not to disturb anything outside the approved limit of disturbance that shall be shown on the plan drawings and, when approved, staked in the field.
- L. Review Process. To the extent practicable, Steep Slopes Permit reviews shall run concurrently and be coordinated with other local approvals.
- 1. Pre-application Erosion and Sediment Control Sketch Plan. The applicant is encouraged to present a sketch plan of the proposal to the Planning Board for informal review and discussion. The Planning Board is not authorized to and shall not take any formal action on sketch plans.
 - 2. Submissions. An application, an Erosion and Sediment Control Plan, and any requests to waive specific ESCP requirements shall be submitted to the Planning Board. All of these materials must be submitted before the application can be reviewed.
 - 3. External Review. The Planning Board may refer the ESCP to a qualified consultant and/or to the County Soil and Water Conservation District for professional advice concerning compliance of the plan.
 - 4. Final Decision. Findings of fact shall be made by the Planning Board for all decisions to permit, not permit, or permit with conditions the regulated activity. "Findings" is a written

description of facts relevant to and in support of the decision made and shall be made part of the public record. No Steep Slopes Permit shall be granted unless it is consistent with these regulations.

5. Provisions for Inspection. A Steep Slopes Permit may be approved only after physical inspections of the property have been made by the Village at the times and in the manner described below. The applicant shall arrange with the Zoning Officer for scheduling of the following inspections:
 - a. An initial inspection prior to final approval of the requested Steep Slopes Permit.
 - b. An erosion control inspection to ensure erosion control practices are in accordance with the approved plan.
 - c. A burial inspection prior to backfilling of any underground drainage or stormwater conveyance structures.
 - d. A final inspection when all work, including construction of stormwater management facilities, has been completed.
 - e. The Zoning Officer retains the right to inspect permanent post-construction stormwater facilities on an on-going basis and to request records of its maintenance.

M. Enforcement.

1. Appeals. Applicants may appeal the determination of steep slope boundaries in the same manner as appeals of Zoning Officer interpretations under Article XIX of this Local Law.
2. Operation and Maintenance of Facilities. The owner or operator of permanent stormwater management practices installed in accordance with this Local Law shall ensure they are operated and maintained to achieve the goals of this Local Law. Proper operation and maintenance also includes, as a minimum, the following:
 - a. A preventative/corrective maintenance program for all critical facilities and systems of treatment and control, or related appurtenances, which are installed or used by the owner or operator to achieve the goals of this Local Law.
 - b. Written procedures for operation and maintenance and training of new personnel, if applicable.
 - c. Discharges from the stormwater management practices shall not exceed design criteria or cause or contribute to water quality standard violations in accordance with state law.
3. Sureties.
 - a. Completion of Work. To ensure compliance with all requirements of an approved Steep Slopes Permit, the Village Board of Trustees, at the recommendation of the Planning Board, may require the applicant to provide a performance guarantee or surety, prior to construction in the form of a performance bond, escrow account certification, or irrevocable letter of credit from an insured financial institution. The guarantee shall be for the full cost of all work to be performed on the property subject to the permit and shall be payable solely to the Village of Aurora. The Village Board of Trustees shall determine the amount based on the final design plans and actual construction costs.
 - b. Maintenance of Facilities. Where stormwater management and erosion control facilities are to be operated and maintained by the developer, or by a corporation that owns or manages the development, the Village Board of Trustees, at the recommendation of the Planning Board, shall require the developer to provide the Village with a Stormwater Facilities Maintenance Agreement and a performance guarantee/surety in the form of a performance bond, escrow account certification, or

irrevocable letter of credit from an insured financial institution, payable to the Village of Aurora to ensure maintenance of all stormwater management and erosion control facilities which have been approved for the Steep Slopes Permit during the life of the facility.

- c. Duration. Sureties will remain in force until the Village releases the responsible party from liability. All accrued interest in any surety account shall be reinvested to the benefit of the account and may be applied only to the purposes originally established for the surety until the Village releases the responsible party from liability.
- d. Failure to Comply. If the developer or owner fails to perform as required under the Steep Slopes Permit, the Village may draw any portion of the amount guaranteed for the purpose of work in default under the permit. If the developer, owner, or other named responsible party fails to maintain facilities as required, the Village may draw any portion of the amount guaranteed to pay the costs of operation and maintenance of permitted facilities.

4. Stop Work Orders.

- a. The Zoning Officer shall issue, or cause to be issued, a stop work order for any regulated activity found ongoing without a Steep Slope Permit. Disregard of a stop work order shall subject the violator to the penalties described in Article XVIII of this Local Law.
- b. The Zoning Officer shall issue, or cause to be issued, a stop work order for any steep slope development found non-compliant with the provisions of this Local Law and/or the conditions of the Steep Slope Permit. Disregard of a stop work order shall subject the violator to the penalties described in Article XVIII of this Local Law.

5. Certificate of Compliance.

- a. In areas with steep slopes it shall be unlawful to occupy or to permit the use or occupancy of any building or premises, or both, or part thereof hereafter created, erected, changed, converted or wholly or partly altered or enlarged in its use or structure until a certificate of compliance has been issued by the Zoning Officer stating that the building or land conforms to the requirements of this Section.
- b. A certificate of compliance shall be issued by the Zoning Officer upon satisfactory completion of all development in areas with steep slopes.
- c. Issuance of the certificate of compliance shall be based upon the inspections conducted as prescribed in Paragraph L,5 above.

N. Fees. The application shall be accompanied by:

1. The applicant, at the time of application for a Steep Slopes Permit, shall pay to the appropriate Village Official the fee for said permit as established by the Village Board of Trustees. The Village Board of Trustees may, from time to time, amend the fee schedule. Fees shall be established by the Village Board of Trustees by resolution.
2. Fees for services provided by site inspectors, engineers, planners, attorneys and outside agencies in an amount determined by the Village Board of Trustees as sufficient to defray the estimated costs of such services rendered to the Village in connection with the application. The applicant shall deposit with the Village Clerk the amount estimated to reimburse the Village for such costs. Any amount remaining after payment for services rendered shall be returned to the applicant upon final approval or upon withdrawal if the application is withdrawn.

Section 9.07 – Stormwater Management, Sediment and Erosion Control

A. Stormwater Management Regulations.

1. Purpose and Intent.

- a. The purpose of this Section is to promote the health, safety, and welfare of the residents of the Village of Aurora and to implement the recommendations of the Village's adopted Comprehensive Plan by minimizing stormwater runoff from land development activities in order to reduce flooding, erosion, and pollution caused by stormwater runoff.
- b. This Section is intended to require landowners and developers to comply with the New York State Department of Environmental Conservation (NYS DEC) State Pollutant Discharge Elimination System (SPEDES) general permits as required for activities associated with stormwater discharges and the preparation of Stormwater Pollution Prevention Plans (SWPPPs) for land development activities.

2. Procedures.

- a. Construction activities disturbing one (1) or more acres of soil must be authorized under the General Permit for Stormwater Discharges from Construction Activities as administered and regulated by NYS DEC. In accordance with NYS DEC regulations, permittees are required to develop a SWPPP to prevent discharges of construction-related pollutants to surface waters.
- b. SWPPPs and associated permits for disturbance are reviewed and approved by NYS DEC. Obtaining such approval or permits is the sole responsibility of the landowner. A copy of the draft SWPPP and any other required permit from NYS DEC along with all associated paperwork, drawings, etc. shall be submitted to Planning Board as part of the required documents for Site Plan Review, Special Permit Review, and Subdivision Review. A copy of the NYS DEC approved SWPPP shall be submitted by the applicant to the Planning Board upon approval from NYS DEC.

B. Erosion and Sediment Control.

1. In order to ensure that land situated within the Village of Aurora is developed with a minimum amount of soil erosion and sedimentation, for any site plan, special permit, or subdivision application, the Planning Board shall require that an Applicant submit a plan demonstrating compliance with the following control practices:

- a. The Applicant shall provide effective sediment control measures for planning and construction of proposed developments. The following principles shall be applied as deemed appropriate:
 - i. The smallest practical area of soil shall be exposed (vegetation removed) at any one time during the development.
 - ii. When soil is exposed (vegetation removed) during development, the exposure shall be kept to the shortest practical period of time.
 - iii. Temporary vegetation and other protective measures shall be used to protect critical areas exposed during development.
 - iv. Sediment basins or debris basins (silting basins or silt traps) shall be installed and maintained to remove sediment from runoff waters on lands undergoing development.

- v. Provision shall be made to effectively accommodate the increased runoff caused by changing soils and surface conditions during and after development by conveyance through filtration beds.
- vi. Permanent final vegetation and structures shall be installed as soon as practical in the development process.
- vii. The development plan shall use best practices to ensure that topography and exposure of soils minimize erosion potential.
- viii. Wherever feasible, natural vegetation shall be retained and protected.
- b. A permit, to be issued by the Zoning Officer, is required to grade and/or shape the topography in accordance with Subsection f below.
- c. Design standards. Design standards and specifications for erosion and sedimentation control shall be as specified in the Empire State Chapter Soil and Water Conservation Society, New York Guidelines for Urban Erosion and Sediment Control.
- d. All erosion and sedimentation control measures shall be installed prior to beginning any other land disturbances. Such devices shall not be removed until the disturbed land areas are permanently stabilized.
- e. All erosion and sediment control measures shall be periodically inspected by the Zoning Officer and shall be maintained by the Applicant or his successors in conformance with an approved schedule, so as to ensure effective operating conditions until such time as they are removed.
- f. Erosion and sediment control measures shall comply with all applicable regulations and permit requirements of the New York State Department of Environmental Conservation. For any construction activity covering more than one acre, the applicant shall file with the DEC, with a copy to the Zoning Officer, a notice of intent form 60-days prior to commencing excavation or grading in order to comply with the State Pollution Discharge Elimination System (SPDES) General Permit (GP) No. 02-01.

ARTICLE X: LANDSCAPING REQUIREMENTS

Section 10.01 – Purpose and Intent

A. Landscaping Requirements are hereby established to protect the existing character and visual appeal of the built environment in the Village of Aurora, to promote the orderly development of attractive public spaces as business expansions and new development occurs, to effectively and appropriately screen incompatible views, activities, and uses from the public, thereby securing a quality public realm for the enjoyment of residents and visitors to the Village of Aurora. Additionally, it is the intent of these requirements to:

1. Provide natural visual screening of parking areas and along property boundaries to protect the existing visual quality of adjacent lands;
2. Reduce surface runoff and minimize soil erosion through the natural filtering capability of landscaped areas;
3. Provide natural buffers that reduce glare and noise, provide wildlife corridors and protect wildlife habitats, wetlands, stream corridors, and other significant environmental features;
4. Moderate the microclimate of parking areas by providing shade, absorbing reflected heat from paved surfaces, and creating natural wind breaks; and
5. Enhance the overall visual quality of the community by surrounding developed areas and right-of-ways with a variety of plant materials that are consistent and compatible with the existing natural vegetation of the area.

B. Authorization: Landscaping and buffering are permitted in any zoning district. When required by this Article in conjunction with a particular use, said landscaping and buffering shall be deemed to be a mandatory element of any permit granted for said use. All required landscaping must be maintained by the property owner and any damaged or dead plant materials, fence or structure shall be replaced by the property owner promptly upon discovery. The Zoning Officer may send a notice to the property owner if the required landscaping or screening is found to be deficient.

C. Definitions: When used in this section, the following words and terms shall have the meanings herein assigned:

Arterial Streets and Highways: Those ways used primarily for fast or heavy traffic generally having a right-of-way width of 80 to 120 feet. An example in the Village of Aurora is NYS Route 90 (Main Street).

Berm: An earthen mound designed to provide visual interest, screen undesirable views and/or decrease noise.

Buffer: A combination of physical space and vertical elements, such as plants, berms, fences, or walls, the purpose of which is to physically separate and visually screen incompatible land uses from each other.

Deciduous: A plant with foliage that is shed annually (e.g. a Maple Tree).

Evergreen: A plant with foliage that persists and remains green year-round (e.g. a Pine Tree).

Ornamental Tree: A deciduous tree planted primarily for its ornamental value or for screening purposes which tends to be smaller at maturity than a shade tree (e.g. an ornamental Crab Apple tree).

Screen: A method of reducing the impact of noise and unsightly visual intrusions with less offensive or more harmonious elements, such as plants, berms, fences, walls, or any appropriate combination thereof.

Shade Tree: Usually a deciduous tree, rarely an evergreen, planted primarily for its high crown of foliage or overhead canopy (e.g. Northern Red Oak).

Shrub: A woody plant, smaller than a tree, consisting of several small stems from the ground or small branches near the ground. It may be deciduous or evergreen.

Specimen Tree: A particularly impressive or unusual example of a species due to its size, shape, age, or any other trait that epitomizes the character of the species.

Tree: A large, woody plant having one or several self-supporting stems or trunks and numerous branches. It may be classified as deciduous or evergreen.

Woodlands, Existing: Existing trees and shrubs of number, size and species that accomplish the same general function as new plantings.

Section 10.02 – Applicability

- A. These landscaping regulations shall apply to all uses in all districts. More specifically, requirements and procedures shall be as follows:
1. Major Subdivisions shall be required to submit landscaping plans in accordance with Article XIV of this Local Law indicating appropriate landscaping of entrances, common open spaces, recreation areas, and perimeter buffer areas.
 2. Development activities requiring site plan approval shall submit, as part of such approval, a landscaping plan in accordance with Article XIII of this Local Law.
 3. Buffer screening shall be provided along the boundaries of any proposed uses found to be incompatible with the adjoining uses.

Section 10.03 – General Requirements

- A. Existing site vegetation and unique site features, such as stone walls, shall be incorporated into landscaping plans to the maximum extent feasible. Existing healthy trees which are retained shall be credited against the requirements of these regulations in accordance with their size and location.
- B. Issuance of a Certificate of Occupancy shall require completion of lot grading, seeding, and required landscaping or posting of a performance guaranty acceptable to the Zoning Officer if the applicant cannot perform the work due to seasonal impracticalities.
- C. All required landscaping shall be of healthy stock using indigenous species whenever practicable and planted according to accepted horticultural practices. Landscaping plans shall clearly indicate who is responsible for plant maintenance during the first 12 months after planting, and a performance guaranty shall be posted for assuring replacement in kind of plants, which die or become diseased within that time. For non-residential development, the Village Board of Trustees, at the recommendation of the Planning Board, may require a performance bond from the landowner or developer to insure proper maintenance of the buffer in the event of the project. The term of the performance bond in length of time it is applicable shall be determined by the Village Board of Trustees.
- D. All required landscaping shall be planted and maintained to ensure healthy conditions and resilience from environmental health concerns. Failure to maintain such landscaping or to replace dead or diseased landscaping required by this article shall constitute a violation of these regulations.
- E. General Design Factors. To determine the size of required buffers two variables should be considered: (1) the nature of the adjacent uses; and (2) the amount of required vegetation. For example, a mixed-use development might require a twenty-five (25) foot heavily planted

buffer, whereas a funeral home at the same location might require a ten (10) foot-wide area fenced with planting screening the parking lot.

1. A hierarchy of buffers has been created corresponding to the degree of land use incompatibility. The more incompatible the proposed use relative to the existing use the more physical space and planting or screening elements are required.
2. The variables include minimum landscaped depth (in feet) and the amount of vegetation required (set forth in terms of plant units). For example, one (1) shade tree equals ten (10) plant units, one (1) evergreen or ornamental tree equals five (5) plant units, and each shrub equals one (1) plant unit. Instead of specifying a certain number of trees and shrubs, the plant unit method gives the applicant flexibility to develop individual, creative site solutions using a variety of plant materials to suit the development and the site. However, the number of plant units proposed must equal or exceed the required number.
3. Determining the Required Buffer. There are three (3) types of required buffers, each with a minimum buffer depth and associated minimum number of plants units required. In all instances, the required buffer shall be installed on the property of the PROPOSED USE, not on the existing use. Required buffer types are as follows:
 - a. A minimum buffer depth of ten (10) feet with a minimum of forty (40) plant units for each one-hundred (100) linear feet of property line(s) or right-of-way(s) abutting the existing use for:
 - i. Single-Family or Two-Family Dwelling adjacent to Agriculture, Open Space or Outdoor Recreation
 - ii. Commercial adjacent to Mixed-Use
 - b. A minimum buffer depth of fifteen (15) feet with a minimum of sixty (60) plant units for each one-hundred (100) linear feet of property line(s) or right-of-way(s) abutting the existing use for:
 - i. Agriculture, Open Space or Outdoor Recreation adjacent to Multi-Family Dwelling or Commercial
 - ii. Single-Family or Two-Family Dwelling adjacent to Multi-Family Dwelling or Commercial
 - c. A minimum buffer depth of twenty-five (25) feet with a minimum of seventy (70) plant units for each one-hundred (100) linear feet of property line(s) or right-of-way(s) abutting the existing use for:
 - i. Agriculture, Open Space or Outdoor Recreation adjacent to Mixed-Use
 - ii. Single-Family, Two-Family or Multi-Family Dwelling adjacent to Mixed-Use
 - d. The following chart provides plant unit equivalents and the caliper and height of species required at the time of planting.

Type of Plant Unit	Caliper (inches)	Height (feet)	Plant Units
1 Shade Tree	2.5 to 3.0	12 – 14	10
1 Evergreen or Ornamental Tree	1.5 to 2.0	7 – 9	5
Each Shrub	--	1.5	1

- e. Required buffers may consist of a combination of new vegetative plantings, existing woodlands, vegetated berms, fences, or natural topographic features as approved by the Planning Board, provided that they meet the purpose and intent of these regulations.

4. Trees for screening shall be of species and stock that will provide a visual screen from the ground up, at least five (5) feet in height.
5. Required buffer screening shall consist of a visual screen or obstruction of suitable shrubs, hedges, fences, or wall at least six (6) feet high and shall be maintained in good condition.
6. Shrubs, hedges, fences, or walls less than six (6) feet tall, along with trees or other plant material designed to enhance the livability and attractiveness of any lot may be located in any yard or court and shall be maintained in good condition.
7. Where existing conditions make compliance with these regulations not feasible, the Planning Board, at its discretion, may approve planters, plant boxes or pots containing trees, shrubs and/or flowers to comply with the intent of these regulations.

Section 10.04 – Specific Requirements

A. Landscape Requirements applicable to specific activities. Whenever the following activities are proposed, the following minimum standards shall apply, whether site plan approval is required or not.

1. All parking lots of seven (7) or more spaces shall meet the following minimum landscaping requirements along the public right-of-way and the parking lot perimeter.
 - a. There shall be a minimum ten-foot-wide planting strip between the right-of-way and the parking lot planted with a minimum of one (1) shade tree and 10 shrubs for every 35 linear feet of frontage, excluding linear feet of driveway (curb-cut) openings.
 - b. If existing woodland is available, the applicant may preserve a twenty-five-foot-wide strip in lieu of the landscaping requirement.
 - c. A parking lot perimeter must be landscaped so as to prevent two adjoining lots from appearing to be one large, paved expanse. To achieve this, said perimeter must be at least six feet wide for a parking lot larger than 10,000 square feet or four feet wide if the parking lot is smaller. One (1) shade tree and three (3) shrubs are required for every 35 feet of perimeter. The required perimeter between lots does not preclude the need or opportunity to provide vehicular access between lots when appropriate.
 - d. All plant material adjacent to parking areas, loading areas and driveways shall be protected by barriers, curbs, or other means against damage from vehicles or from stormwater runoff.
2. All commercial and mixed-uses shall provide a landscaping strip between the buildings and the street or right-of-way, except where parking lot landscaping is required and can function as the landscape strip.
 - a. A minimum landscaping strip shall be established meeting one of the following options. It must be located on the project site and adjacent to the public right-of-way. It may not include any paved surfaces except for pedestrian access ways.
 - i. The landscape strip must be at least ten (10) feet wide, planted with one (1) shade tree and ten (10) shrubs for every thirty-five (35) feet of linear street frontage.
 - ii. The landscape strip may vary in width between a minimum of ten (10) feet and a maximum of twenty (20) feet, averaging fifteen (15) feet. One (1) shade tree and ten (10) shrubs per thirty-five (35) linear feet are required.
 - iii. Credit toward these requirements will be given for preserving woodlands which are at least twenty-five (25) feet wide and appropriately located.
3. All newly established residential uses shall meet the following landscaping standards:

- a. One street tree of a variety of North American hardwood a minimum of two and one half (2.5) inch caliper, meaning that the trunk of the tree is 2.5 inches in diameter, at the time of planting per forty (40) feet of frontage. Existing trees may count toward this requirement. The height of the tree at the time of planting will vary based on the species, however a two and one half (2.5) inch caliper tree should have a root ball size of twenty-four to thirty-two (24-32) inches and will be between eight (8) and fourteen (14) feet tall.
 - b. For all multifamily dwellings at least two (2) shade trees for each one thousand six hundred (1,600) square feet of green space on the site. Existing trees may count toward this requirement.
4. Alternative Designs.
- a. The Planning Board may consider alternatives to any of the landscaping designs required by this Section under any of the following circumstances:
 - i. The site involved has space limitations or unusually shaped parcels;
 - ii. Topography, soil, vegetation, or other site conditions are such that full compliance is impossible;
 - iii. Due to a change of use of an existing site, the required buffer yard is larger than can be provided; or
 - iv. Safety considerations are involved.
 - b. All alternatives proposed by the developer must equal the prescribed regulations in terms of quality, effectiveness, durability, hardiness, and performance.

Section 10.05 – Landscaping Plan

- A. General requirements for landscaping plan. All uses subject to Site Plan Review and approval as well as Major Subdivision review and approval by the Planning Board shall include a landscaping plan with the site plan submission. Based on the scale and location of the project, the Planning Board shall determine whether the landscaping plan must be prepared by a professional such as a licensed landscape architect or landscape designer.
- B. Specific requirements for landscaping plan. All landscaping plans shall contain the following information:
 1. A title block with the name of the project, then name of the person preparing the plan, a scale, north arrow, and date.
 2. Location of all existing and proposed structures, parking areas and access aisles.
 3. Description of the site, including location, general type and quality of existing vegetation, including specimen trees.
 4. Location, size, description, and labels of all landscape materials existing and proposed, including all trees and shrubs, and shall identify those existing plant materials that are to be removed.
 5. Identification and location of existing vegetation to be saved.
 6. Methods and details for protecting existing vegetation during construction and the approved sediment control plan if one is required by state DEC regulations.
 7. Topographical contours at two-foot intervals.
 8. Existing and proposed site drainage patterns.

Village of Aurora Zoning Law

9. Plant lists or schedules with the botanical and common names, quantity, spacing and size of all proposed landscape material at the time of planting.
 10. Location and description of other landscape improvements, such as earth berms, walls, fences, screens, sculptures, fountains, street furniture, lights and courts or paved areas.
 11. Planting and installation details as necessary to ensure conformance with all required standards.
 12. Other information as may be required by the Zoning Officer and/or the Planning Board.
- C. Alternative landscaping plans may be submitted, as approved by the Planning Board, provided that they meet the purpose and intent of these regulations.

ARTICLE XI: OFF-STREET PARKING AND LOADING REGULATIONS

Section 11.01 – Purpose and Intent

A. The Village finds that large and highly visible parking areas represent one of the most objectionable aspects of commercial development. Such parking lots damage the historic layout and architectural fabric of the Village, harm the natural environment and visual character of the community, interfere with pedestrian safety and accessibility, and reduce the quality of life in developed areas. However, the Village also recognizes that inadequate parking can diminish quality of life by creating traffic congestion, safety hazards, and inconvenience. The Village therefore seeks to balance the need for adequate parking with the need to minimize harm resulting from the provision of parking and to avoid the negative impacts of excessive parking lot construction.

Section 11.02 – Applicability

- A. In all zoning districts, every use shall provide, at the time of any change of intensity, use or when any building or structure is erected, enlarged, or increased in capacity, off-street parking for motor vehicles in accordance with the requirements of this and other applicable sections of these regulations, especially site plan approval in accordance with Article XIII and landscaping with Article X.
- B. For new development and/or projects on previously undeveloped land, loading spaces shall be provided and maintained on the same premises with every non-residential building or structure erected, occupied, enlarged, or intended to be used, involving the receipt or distribution by vehicles of materials or merchandise. No such activity shall use the public right-of-way or required parking areas for standing, loading, and unloading services. This provision shall not apply to existing buildings and properties where it is not feasible to provide off-street loading spaces on the same lot.

Section 11.03 – Required Off-Street Parking and Loading Spaces

A. Minimum Parking Required for Residential Uses.

1. For single-family or two-family dwelling: two (2) spaces per dwelling unit.
2. For multifamily dwelling: 1½ spaces per dwelling unit.
3. These requirements may be reduced for dwelling units with less than 1,000 sq. ft. of floor space, elder congregate housing, mixed-use development, or other appropriate circumstances if the Planning Board determines that such reductions are warranted.

B. Parking Requirements for Non-Residential Uses. The number and layout of parking spaces for non-residential uses shall be based on the need to protect public safety and convenience while minimizing harm to the character of the community and to environmental, historic, and scenic resources. Since non-residential uses vary widely in their need for off-street parking; parking requirements shall be based on the specific operational characteristics of the proposed uses. The provisional parking standards in Subsection B.2. below shall be applied and may be varied by the Planning Board according to the criteria in Subsection B.3. below.

1. General Requirements.

- a. Roads, driveways, sidewalks, off-street parking, and loading space shall facilitate safe pedestrian movement.
- b. Vehicular and pedestrian connections between adjacent sites shall be provided to encourage pedestrian use and to minimize traffic entering existing roads. The

- construction of connected parking lots, service roads, alleys, footpaths, bike paths, and new public streets to connect adjoining properties shall be required where appropriate.
- c. Access from and egress to public highways shall be approved by the appropriate highway department and/or Department of Public Works, including village, county, and state.
 - d. All buildings shall be accessible by emergency vehicles.
 - e. Parking spaces shall have wheel stops or curbs to prevent injury to trees and shrubs planted in landscaped islands.
 - f. Bicycle parking spaces and racks shall be encouraged in areas that do not conflict with vehicular traffic. Designated van/carpool parking, and other facilities for alternatives to single-occupancy vehicle use, shall be provided as practicable and appropriate.
 - g. In developments where a link to schools, churches, shopping areas, trails, greenbelts, and other public facilities is feasible or where a trail connection is recommended in the Comprehensive Plan or other official plan for the Village of Aurora, a trail corridor shall be reserved on the approved site plan for this purpose.
2. Provisional Parking Standards.
 - a. Retail or service business uses: four (4) spaces per 1,000 sq. ft. of enclosed floor space, excluding space used for storage.
 - b. Office uses: three (3) spaces per 1,000 sq. ft. of floor space.
 - c. Lodging facility: one space for each bedroom plus one space for each nonresident employee per shift and one space for every 200 sq. ft. of floor space for meetings and functions.
 - d. Restaurants, theaters, and other places of public assembly: one space for every three (3) seats.
 - e. Uses not listed above: as appropriate to the circumstances.
 3. Criteria for Applying Provisional Standards. In applying or modifying the provisional parking standards for any proposed use, the Planning Board shall consider:
 - a. The maximum number of vehicles that would actually be parked at the use at times of peak usage. Parking spaces shall be sufficient to satisfy 85% of the anticipated peak demand. The likelihood of people walking, bicycling, or carpooling to the proposed use shall be taken into consideration.
 - b. The size of the structure(s) and the site.
 - c. The environmental, scenic, or historic sensitivity of the site (including applicable limitations on impervious surfaces). In cases where sufficient area for parking cannot be created on the site without disturbance to these resource values, the Planning Board may require a reduction in the size of the structure so that the available parking will be sufficient.
 - d. The availability of safely usable on-street parking.
 - e. The availability of off-site off-street parking within 400 feet that is open to the public, owned or controlled by the applicant, or available on a shared-use basis, provided that the applicant dedicates such off-site land for public parking or demonstrates a legal right to shared use.
 - f. The requirements for parking for the disabled as prescribed by the Americans with Disabilities Act.

- g. For mixed-use developments/buildings and principal uses which include traffic-driving accessory uses (e.g. a hotel with a restaurant) each individual principal and/or accessory use shall meet the parking requirements in Subsection B.2. above unless the Planning Board determines based on evidence provided by the applicant that fewer parking spaces can be provided and still meet the needs of each individual use, subject to the requirements and provisions of this Article.
4. Set-Aside for Future Parking. The Planning Board may, as a condition of reducing the provisional parking standards, require an applicant to set aside land to meet potential future parking needs. Such land may remain in its natural state or be attractively landscaped but may not be used in a manner that would prevent it from being developed for parking in the future.
5. Loading and Unloading Space: Off-street loading and unloading space, sufficient to accommodate the maximum demand generated by the use of the lot, shall be provided on any lot on which a building for commercial use is hereafter erected or substantially altered. All off-street loading and unloading spaces shall have an all-weather surface to provide safe and convenient access and use during all seasons.

Section 11.04 – Location of Required Parking

- A. All parking facilities provided under this Article shall be located off the public right-of-way and shall contain an area of at least two hundred (200) square feet per motor vehicle parking space exclusive of access ways, aisles, and maneuvering space. Each space shall have an all-weather surface, which may consist of gravel, crushed stone, concrete, or black top.
- B. Layout and construction of parking areas for single-family and two-family dwelling units shall be in accordance with the following:
 1. Off-street parking shall be provided on the same lot with the building it serves. No parking is permitted in the front setback unless it is conducted in a driveway that meets the requirements set in this Article.
 2. Only one unregistered motor vehicle may be stored outside a dwelling unit. Any others shall be stored fully enclosed inside an accessory building.
- C. Layout and construction of parking areas and loading spaces for non-residential uses and multi-family dwelling units shall be in accordance with the following:
 1. Location and Screening.
 - a. All off-street parking and loading spaces shall be located behind or to the side of the principal building, except as provided in Subsection b. below. The Planning Board may modify or waive this requirement where unusual lot configurations such as corner lots or through lots make compliance with this requirement impractical or impossible, or where the predominant character of surrounding development is such that compliance with this requirement would serve no useful purpose, provided that the applicant minimizes the visual impacts of such parking areas. Parking spaces located in a side yard shall, if possible, be screened from public view. Adjoining parking areas shall be connected directly to one another or to a service road or alley wherever feasible to reduce turning movements onto roads.
 - b. Within any zoning district, parking may be located anywhere on the site if in agreement with other applicable regulations, and it is screened from public roads and adjoining properties or if it is part of a commercial development which is not visible from any public road, public recreation area, public building, or residential property.

2. Construction of Parking Areas. Parking areas shall be surfaced with a suitable durable surface appropriate for the use of the land, with adequate drainage. Surfacing, grading, and drainage shall facilitate groundwater recharge by minimizing impervious pavement and runoff. Overflow or peak period parking surfaces shall be permeable. Oil traps may be required for larger paved parking lots.
3. Landscaping. Parking areas shall be designed and landscaped to avoid long, uninterrupted rows of vehicles by breaking them into separate parking lots divided by tree lines, alleys, pedestrian areas, or buildings. Parking lots containing more than forty (40) spaces shall be divided into smaller areas by landscaped islands at least fifteen (15) feet wide located no more than one hundred twenty (120) feet apart. All islands shall be planted with three-inch minimum caliper shade trees at a density of at least one tree for every twenty (20) linear feet of island. Parking lots containing less than forty (40) spaces shall provide at least one (1) three-inch minimum caliper shade tree per eight (8) spaces or fraction thereof.
4. Lighting. Lighting within parking lots shall be on low poles of twelve (12) feet to fifteen (15) feet maximum height, with downcast color-corrected lamps and cutoff luminaires designed to minimize glare and light pollution. Design of poles and luminaries shall be compatible with the style of the architecture and adjoining streetscape treatment. Sidewalks leading from parking lots shall be lit with bollard lighting and indirect illumination of buildings and vegetation.
5. Non-conforming parking lots shall be brought into conformity with this Section to the extent practical whenever a site plan or special permit application is filed for an expansion or change of the use.
6. Off-Street Loading.
 - a. General requirement. Loading docks and service access areas shall be located in a manner that minimizes visual intrusion on public spaces and ensures pedestrian and motor vehicle safety by separating truck traffic and loading operations from pedestrian and motor vehicle circulation. Where appropriate, loading docks shall be screened by walls extending from a building face or placed within arcades or other architectural features designed to blend them with the architecture of the building. Adjacent buildings shall be sited to allow shared access to loading docks through the use of common loading zones or service alleys.
 - b. Exception for Aurora Village-Wells College Historic Overlay District. The need to maintain the traditional layout and historic character of the Aurora Village-Wells College Historic Overlay District may preclude the establishment of modern loading facilities in some older buildings in the Overlay District. In such situations, the requirements of Subsection a. above shall not apply, and on-street loading shall be permitted subject to approval of a Certificate of Appropriateness from the Community Preservation Panel in accordance with Article VII.

Section 11.05 – Alternate Parking

- A. The collective provision of off-street parking areas for two or more buildings or uses located on adjacent lots is permitted. Unless it has been demonstrated that joint use is appropriate in accordance with Subsection C. below, the total of such off-street parking facilities shall not be less than the sum required for the various buildings or uses computed separately. Furthermore, the land upon which the collective facilities are located must be owned or leased by one or more of the collective users.
- B. Off-Site Parking. Required parking spaces may be otherwise located upon approval by the Planning Board upon findings that:

1. It is impractical to provide parking on the same lot with the use.
 2. The required space is fully provided in a permanent and accessible manner.
 3. The off-site parking area is within one thousand (1,000) feet of the site of the use and within the same or a less restrictive zoning district.
 - a. Such off-site parking shall be subject to deed, lease, license or contract restrictions acceptable to the Municipal Attorney binding the owner, heirs or assigns to maintain the required number of spaces available throughout the life of such use.
 4. Within the Village Zoning District, a portion or all of the required off-street parking spaces may be satisfied utilizing existing on-street parking spaces, so long as the parking spaces are located along and adjacent to the frontage of the property on which the use is located.
- C. Joint Use. The off-street parking requirement of two or more uses, structures, or parcels of land may be shown by the owners or operators of the uses, structures, or parcels that their operations and parking needs do not overlap at any point in time. If the uses, structures, or parcels are under separate ownership, the right to joint use and maintenance responsibility of the parking space must be evidenced by a deed, lease, license, contract, or other appropriate written document to establish the joint use.

Section 11.06 Additional Regulations

- A. Cross access agreements shall be subject to the following regulations:
1. The Planning Board may require cross-access agreements for vehicles and/or pedestrians between adjacent properties, in order to reduce repetitive vehicle trips to and from the adjacent public road. In this instance, property owners shall be required to provide the Planning Board with a written cross access agreement signed by both parties.
 2. Where adjacent property is not yet developed but future interconnection between adjoining properties is recommended by the Planning Board, the Planning Board shall grant site plan or subdivision plat approval with conditions and/or modifications that require dedication of property for future roads, and/or construction of stub road connections to adjacent properties, cross access easements to adjoining properties, and/or other similar considerations. The site plan or subdivision plat shall indicate the location of any required cross access easements and any requirement for the removal of temporary access once alternative access is available.
- B. Shared driveways shall be subject to the following regulations:
1. Where it is found necessary, adjacent property owners shall construct a shared driveway by written mutual agreement to serve both properties. Shared driveways are subject to all requirements of this Local Law.
 2. The written agreement shall be filed with the Cayuga County Clerk's office and a copy shall be made available to the Village for proper record keeping.
 3. Where adjacent properties are not yet developed but joint access is desired, the Planning Board may require that property owners maintain future opportunities for shared driveways by providing easements and/or stub roads. The Planning Board may also approve driveways on a temporary basis until joint access is available, at which time a connection to an adjacent shared driveway is constructed and the original driveway is removed.
- C. On-street parking shall be subject to the following regulations:
1. The size of standard parallel on-street parking spaces shall be a minimum of eight (8) feet wide by twenty (20) feet long.

2. On street parking shall be permitted at the following locations:
 - a. NYS Route 90 (Main Street): On both the East and West side of the road only in locations that have clearly designated parking spaces marked with painted lines and/or parking signage.
 - b. Cherry Avenue: Only on the North side of the road.
 - c. Court Street: Only on the East side of the road.
 - d. Lafayette Street: On both the North and South sides of the road.
- D. Public and private electric vehicle charging stations shall be permitted as parking spaces so long as they are in accordance with the regulations established in this Article as well as the regulations set forth in Section 4.06 A 5.

Section 11.07 – Non-Conforming Parking and Loading

- A. Neither building nor lot alterations, nor change of use shall be allowed which would increase the degree of non-conformity with the off-street parking and loading regulations of this Article.

Section 11.08 – Design Standards for Off-Street Parking

- A. Driveways and parking areas for non-residential uses except home occupations shall include, within the property lines, turning areas so constructed and surfaced that a vehicle entering or leaving the property is not required to back onto the street or non-parking property. Depth and width shall be sufficient to provide satisfactory space for off-street parking and unloading.
- B. Backup Area. Except for attendant-operated parking areas, each parking space shall be provided with a sufficient backup area to permit egress in one maneuver, consisting of one backward and one forward movement.
- C. Access. Every parking garage and parking area containing 25 or more spaces shall be provided with a two-way driveway at least 24 feet in width or two one-way driveways each at least 15 feet in width.
- D. The size of standard perpendicular off-street parking spaces shall be a minimum of ten (10) feet wide by twenty (20) feet long.
- E. All illumination on parking lots shall be shielded so as not to produce or project any lighting or glare beyond the boundaries of the subject parcel.
- F. Parking Area Surface: In all Zoning Districts, for all uses except single- and two-family dwellings, every off-street parking area shall be paved in such a manner so as to provide an all-weather, durable surface and shall be permeable or graded and drained to dispose of all surface water accumulation in the area without shedding additional water on an adjoining property or right-of-way. Individual stalls shall be clearly identified by markings four to six inches in width. The surface material and drainage system shall be approved by the Village Planning Board in consultation with Village Superintendent of Public Works or the Village Engineer.
- G. Wheel Stops. Where parking spaces abut sidewalks, landscaped areas, lighting fixtures, or fences, appropriate wheel stops shall be installed to prevent encroachment on or damage to such features.
- H. Slope. No part of any parking area, excluding access ramps, shall have a slope in excess of 5%.
- I. Snow Storage Area. All parking garages and parking areas designed for more than ten (10) parking and loading spaces shall provide a storage area for snow which will not displace any required parking or access thereto or provide documentation acceptable to the reviewing agency as to an alternative disposal method.

- J. No driveway to an off-street parking area shall be located closer than fifty (50) feet to the intersection of any two (2) streets or within twenty (20) feet of any side lot line, provided that sufficient distance will always remain for all required radii for said driveway. The distances from the driveway to the intersection shall be measured by extending the curb-line of the intersecting street until it intersects the curb-line, extending if necessary of the driveway in question.
- K. Driveways shall be designed to provide for the safe and efficient movement of traffic between the roadway and the site, to eliminate the potential for stacking of vehicles along the public right-of-way and to minimize interference with pedestrians and vehicles using the site and the public right-of-way.
- L. Curb cuts for ingress and egress onto existing roadways shall be a maximum of twenty (20) feet for residential uses and thirty-five (35) feet for non-residential uses. The location and distance between curb cuts and to intersections shall be in accordance with NYS Department of Transportation design standards.
- M. Parking stall and aisle dimensions shall be subject to the following requirements:
 - 1. The minimum required dimensions of parking stalls and aisles shall be as indicated in the table below, except for parking for an individual dwelling unit. If proposed angles are not shown in the table, the dimensions shall be determined by the Planning Board.

Table 6: Minimum Parking Space and Aisle Dimensions					
Angle (A)	Stall Width (B)	Curb Length (C)	Drive Aisle (D) One-way Aisle	Drive Aisle (D) Two-way Aisle	Stall Depth (E)
0° (Parallel)	8 feet	20 feet	12 feet	20 feet	8 feet
45°	9 feet	12.7 feet	13 feet	--	16.5 feet
60°	9 feet	10.4 feet	18 feet	24 feet	18 feet
90°	10 feet	10 feet	--	24 feet	20 feet

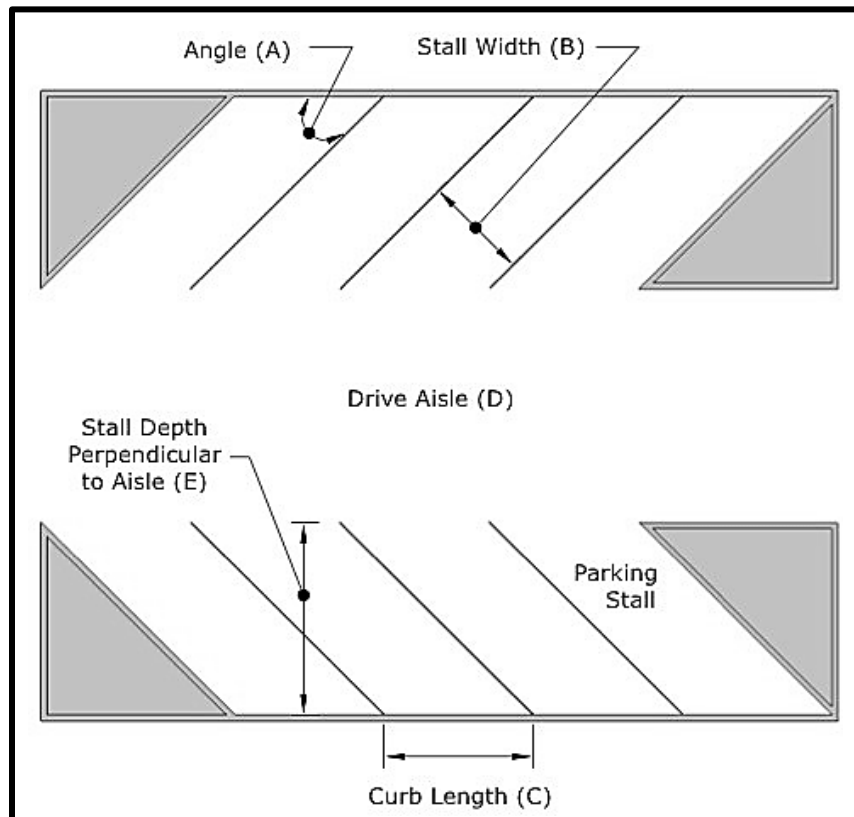


Figure 9: Parking Space and Aisle Dimensions

Section 11.09 – Design Standards for Loading Spaces

A. Design and Maintenance of Loading Spaces. Every loading space shall be designed, constructed and maintained in accordance with the standards and requirements set forth herein.

1. Minimum Setbacks. Loading spaces may be located anywhere on a lot, except that no part of any loading space shall extend into any required front yard.
2. Screening.
 - a. Sufficient screening shall be provided along all lot lines abutting any residentially zoned or developed property to visually insulate the residential use from all operations, materials and vehicles within any loading space.
 - b. Loading areas accessory to commercial uses, shopping centers or planned developments shall be so located and screened as to be visually insulated from public awareness.
3. Design Standards.
 - a. Dimensions. Each loading space shall have the following minimum dimensions, in feet:

Type	Width	Length	Height
Tractor-Trailer	12 feet	55 feet	14 feet
Other	12 feet	35 feet	14 feet

- b. Access. Loading spaces shall be designed and arranged to provide access to a street or alley in a manner which will create the least possible interference with traffic movement. Access to and from loading spaces shall be approved by the Village Planning Board in consultation with the Village Superintendent of Public Works or the Village Engineer.
 - c. Surface. Every loading space shall be paved in such a manner so as to provide an all-weather, durable surface and shall be permeable or graded and drained to dispose of all surface water accumulation in the area without shedding additional water on an adjoining property or right-of-way. The surface material and drainage system shall be approved by the Village Planning Board in consultation with Village Superintendent of Public Works or the Village Engineer.
 - d. Lighting. Fixed lighting installed in Loading Areas shall be arranged to prevent direct glare of beams onto any public or private property or streets.
 - e. Signs. No signs shall be displayed in any loading area except such signs as may be necessary for the orderly use of the loading space.
4. All required loading areas shall be independent of required of required emergency access lanes, parking areas and drive-in queuing lanes.

ARTICLE XII: SIGN REGULATIONS

Section 12.01 – Definitions

A. As used in this Section, the following items shall have the meanings indicated:

Advertising Sign: Any sign designed to direct attention to a business, commodity, service or entertainment conducted, sold or offered elsewhere than upon the same lot.

Attached Sign: A sign attached to a building so that the body of the sign is parallel to the building.

Business Sign: A sign which directs attention to a business or profession conducted or to products sold upon the same lot. A “for sale” sign or a “to let” sign relating to the lot on which it is displayed shall be deemed a “business sign”.

Construction Project Sign: Any sign erected by an architect, an engineer or each contractor, with the sign face of each such sign not exceeding 12 square feet, placed on the premises where construction, repair or renovation is in progress.

Commercial Sign: A sign that directs attention to a business, commodity, service or entertainment conducted, sold or offered on or off the premises.

Decorative Banner: The term defining a banner(s) that is typically within a parking lot or along a public or private thoroughfare or street with a non-commercial copy decorative display, for example, seasons of the year or holidays for appearance and appeal to the public.

Digital Sign: The term defining an electronic message board used as a sign with a fixed or changing display/message composed of a series of lights that may be changed through electronic means that meets the sign regulations of this Local Law.

Directional Sign: A sign that directs traffic into and out of premises.

Flag: The term defining any fabric, banner or bunting containing distinctive colors, patterns or symbols, which is mounted on a pole, and used as a symbol of government, political subdivision, institution, cause, event, group, activity, business or other similar entity. This definition does not include the use of flags for advertising such as, but not limited to, pennants, streamers and air induced figures.

Flashing Sign: Any illuminated sign on which the artificial light is not maintained stationary and constant in intensity or color at all times when in use.

Framework: The framework or base intended to support a sign or signs, but not including the sign, sign frame, or background. “Frameworks” whose separate nature and purpose as support for signage is apparent shall not be counted as part of the sign area permitted by this Section, but any “framework” or portion thereof that, by shape, material, color or other means, that serves as a sign box, frame, or background or that serves to identify the premises, its proprietors or owners or the products, services or activities provided on the premises shall be considered part of the sign area as defined above.

Freestanding Sign: A sign mounted on a framework set in the ground, independent of a building.

Governmental Signs: Official traffic signs, historical markers, and other signs erected by Federal, State, County, Town or Village agencies.

Highway Historical Marker: A metal sign conforming to the standard state design, indicating and/or explaining a historic site.

Historic Sign: An existing exterior sign erected prior to 1950 that may or may not refer to an occupant, business, service or product currently or previously existing or offered on the

premises on which the sign is located or within the Village. Historic signs shall not be limited to sites designated as local landmarks. Historic signs are distinguished by one (1) or more of the following characteristics: design, decorative character, age; relationship to persons, places, activities or products of the village; or use of early advertising techniques or sign technology, including materials, techniques and devices no longer in common use for signage, such as but not limited to painting directly on building surfaces and exposed neon tubing. The term shall include reproductions of original signs.

Illuminated Sign: Any sign designed to give forth any artificial light or designed to reflect such light deriving from any source which is intended to cause such light or reflection.

Informational Sign or Directory: A sign that gives the names of occupants of a multi-use or multi-occupancy building or informs the public of the location or times of activities or events on the premises.

Off-premises Sign: Any sign or other device that directs attention to a person, business, profession, home occupation and the like, whose products or activities are not sold or conducted on the same lot.

On-Premises Sign: Any sign or other device that directs attention to a person, business, profession, home occupation, and the like, whose products are sold or activities are conducted on the same lot. A "For Sale" or "For Rent" sign relating to the lot on which it is displayed shall be deemed an "on-premises" sign.

Portable Sign: Any sign not permanently affixed to a building or mounted in the ground. For the purposes of this Section, portable signs are not considered temporary signs (~~see #7 below~~).

Projecting Sign: A sign affixed to a building so that the body of the sign is at right angles to the building.

Representational Sign: Any three-dimensional sign built so as to physically represent or call to mind the object, service or product advertised.

Sandwich Board: The term defining a sign located in front of a business and advertising such business, which is two sided, movable and not secured or attached to the surface upon which it is located and constructed in such a manner to form an "A" with a message or copy permitted on both sides. This term also includes "A-frame sign."

Sign: Any structure or part thereof or any device attached to a structure or painted or represented on a structure which shall display or include any letter, word, model, banner, flag, pennant, insignia, device or representation used as or which is to be in the nature of an announcement, direction or advertisement. A "sign" includes any billboard. A "sign" does not include temporary real estate "for sale", A-shaped signs, political campaign signs, or paper posters announcing temporary events, provided that such are not in excess of four square feet (length by width).

Sign Appurtenances: The term defining items such as, but not limited to, balloons, flags, or streamers used to draw attention to a temporary sign.

Sign Area: The area within the shortest straight lines that can be drawn around the outside perimeter of a sign, including all lettering, wording, and accompanying designs and symbols, decorations and lights, together with the background, whether open or enclosed, on which they are displayed, but excluding the supports if they are not used for advertising purposes.

Temporary Sign: Any sign fabricated of paper, plywood, fabric, window paint, or other light, impermanent material, and intended to be displayed for a limited number of days.

Yard Sign: A type of temporary sign including, but not limited to, yard sale signs, political signs, and real estate signs.

Window Sign: A sign permanently affixed to or painted on a window surface or in front of or behind a window in such a manner that the window acts as its frame or background.

Section 12.02 – Sign Area

A. Sign area measurements shall be subject to the following regulations:

1. If the sign consists of individual letters or symbols attached to or painted on a window, the area shall be considered to be that of the smallest rectangle or other shape which encompasses all of the letters and symbols.
2. In computing square foot areas of double-face signs, each side shall be considered a separate sign.

Section 12.03 – General Regulations

A. All new signs, with the exception of temporary signs, and changes to the size, location or illumination of existing signs shall require a Sign Permit.

B. The following requirements shall apply to all signs unless noted otherwise.

1. All signs must comply with all the regulations contained in this Section.
2. All on-premises signs over four (4) square feet in area, and all off-premises signs except governmental signs regardless of size, shall require the issuance of a Sign Permit before erection or replacement.
3. An attached sign shall be in scale and proportion to the building and its façade and shall not obscure, damage or destroy the building's characteristic architectural features. An attached sign shall not be placed more than twelve (12) inches from the wall to which it is attached.
4. Signs not exceeding two (2) square feet in area may be placed under a canopy if the sign follows all additional sign requirements.
5. No freestanding sign shall be located within ten (10) feet of any side property line.
6. Tops of signs shall not exceed twenty (20) feet from the highest point on the ground under the sign.
7. The lowest point of projecting signs shall be at least eight (8) feet above the ground and shall not extend more than six (6) feet beyond the building surface.
8. Portable signs shall not exceed four (4) square feet in area, measured on one surface, shall not obstruct a sidewalk and shall be displayed only during business hours.
9. Off-premises advertising signs must obtain a Special Use Permit.

Section 12.04 – Prohibited Signs

A. The following signs are prohibited in all Zoning Districts:

1. Any sign for which no permit was issued or where the permit has expired.
2. No sign shall have flashing, animated, or intermittent illumination, nor shall any sign have visible moving or movable parts, except projecting signs, which may swing depending on their construction.
3. No new sign shall be painted directly on the exterior surface of a building.
4. The erection of new off-premises signs that are visible from any controlled highway that is designated as a scenic byway (i.e. The Cayuga Lake Scenic Byway) shall not be permitted as required by the Intermodal Surface Transportation Efficiency Act and administered by the NYS Department of Transportation. Off-premises signs existing prior

to the establishment of a scenic byway shall be registered through the NYS Department of Transportation in order to remain in compliance. In the Village of Aurora, the Cayuga Lake Scenic Byway follows NYS Route 90 (Main Street) for the entire length of the village.

Section 12.05 – Signs Permitted in All Zoning Districts

A. No sign or other advertising device shall be permitted except as follows:

1. On-Premises Signs.
 - a. Governmental signs.
 - b. Signs displaying the name and address of the occupant of a dwelling, provided that the sign area not exceed two (2) square feet. Not more than one (1) such sign shall be erected for each dwelling unit, unless such property fronts on more than one street, in which case one (1) such sign may be erected on each frontage. Such signs may be non-illuminated or indirectly illuminated.
 - c. Temporary signs provided that they meet the provisions of Section 12.07.
 - d. “For Sale,” “For Rent,” real estate signs, and signs of similar nature concerning the premises upon which the sign is located, not exceeding four (4) square feet per side. Such signs shall be removed within two (2) weeks after the sale, lease or rental of the property.
 - e. Memorial signs or tablets, and historic signs.
 - f. Flags or banners promoting businesses, provided that they shall be displayed only during business hours.
 - g. Signs identifying firms or workmen engaged upon temporary labor, repairs, construction, etc., provided that they shall be removed upon completion of the work.
2. Off-Premises Signs.
 - a. Governmental signs.
 - b. Temporary signs provided that they meet the provisions of Section 12.07.
 - c. Temporary signs directing patrons, members or audiences to exhibits, shows or events, provided that they meet the requirements of Section 12.07.
 - d. Signs directing members of audiences to service clubs, churches or other non-profit organizations, provided that they meet the following requirements:
 - i. The sign shall indicate only the name of the organization and the direction to the facility.
 - ii. Not more than two (2) signs shall be erected at each intersection leading to the facility.
 - iii. Signs shall not exceed four (4) square feet in area.
 - e. Cross-highway banners, provided that they have the appropriate permits from the NY State Department of Transportation.
 - f. Or as otherwise prohibited by Section 12.04.
 - g. Historical marker signs and directional signs used for municipal and/or historical marker purposes.

Section 12.06 – Signs Permitted for Non-Residential Purposes

- A. No sign or other advertising device shall be permitted for Single-Occupancy Commercial Buildings except as follows:
1. One (1) freestanding sign and one (1) attached sign; OR two (2) attached signs.
 2. Window signs may be exhibited in any window or glass-paneled or glass door, provided their area does not exceed thirty percent (30%) of the window's, panel's or door's area.
 3. Fabric awnings on metal frame with firm's name.
 4. One portable sign.
- B. No sign or other advertising device shall be permitted for Multiple-Occupancy Commercial Buildings except as follows:
1. One (1) freestanding informational or directory sign shall be allowed for the building as a whole, not to exceed two (2) square feet per business located within the building.
 2. Window signs may be exhibited in any window or any glass-paneled or glass door, provided their area does not exceed thirty percent (30%) of the window's, panel's or door's area.
 3. Fabric awnings on metal frame with individual firms' names.
 4. Individual firms not fronting on the main façade may have one attached sign of not more than two (2) square feet on the main façade.
 5. Portable signs of not more than one (1) per firm.

Section 12.07 – Temporary Signs

- A. No temporary sign or other temporary advertising device shall be permitted except as follows:
1. Temporary signs announcing a drive, exhibit, show, or event sponsored by a political, educational, charitable, philanthropic, civic, professional, religious or similar organization may be erected, provided that:
 - a. Such signs shall not exceed twenty-four (24) square feet in area;
 - b. Signs shall not be displayed earlier than thirty days prior to the promotion, event, sale, ballot, etc. to which they relate;
 - c. Such signs shall be removed within forty-eight (48) hours after the promotion, event, sale, ballot, etc..
 2. Garage or yard sale signs not exceeding four (4) square feet in area may be erected and displayed for a period not exceeding seven (7) days.
 3. All temporary signs must supply the name and address of the sponsoring person or organization and the name of a person responsible for their removal. Failure to remove such signs within the term prescribed may result in a fine.
 4. Such signs are not to be placed in such a position as to obstruct or impair vision or traffic, or in any manner create a hazard.
 5. In the case of off-premises signs, the written consent of the property owner or occupant must be obtained and included with the Application for Sign Permit.

Section 12.08 – Non-Conforming Signs

- A. All non-conforming signs, except Historic Signs, as of the effective date of this Local Law shall be brought into conformity within three (3) months.

- B. The Village shall permit non-conforming Historic Signs to be replicated or preserved where such signs have a unique, lasting, significant historical value to the Village. A Historic Sign that is non-conforming to the regulations of this Local Law, shall not be altered, restored, or preserved except in accordance with the following provisions:
1. Any restoration or replication of a Historic Sign shall be done in the same manner, material, size, lighting and location as the original sign.
 2. The proposed replication of a Historic Sign shall be authenticated by photographic evidence and other documentation and shall be an authentic replication of the original, as demonstrated by the submitted materials.
 3. All evidence and required submittal materials shall be submitted to the Planning Board for review and approval and may require a Certificate of Appropriateness from the Community Preservation Panel.

Section 12.09 – Application Requirements

- A. Applications for all signs except temporary signs shall be made in writing upon the Application for Sign Permit, available from the Village Clerk. The following information is required:
1. The name, mailing address, email address and telephone number of the applicant and of the owner of the property if they are not the same person.
 2. A scale plan showing the location of the building, structure or land upon which the sign is to be erected.
 3. Indication on said plan of the placement of the proposed sign, specifically, its position in relation to adjacent buildings, structures, and property lines.
 4. A scale drawing of the sign, including the framework, and showing its visual message or text, graphic design, lettering, symbols, etc., and a description of the materials.
 5. An account of the method of illumination, if any, with the position of the light or other extraneous devices, and a copy of the electrical permit related to the electrical connections.
 6. If the applicant is not the owner of the property on which the sign is to be erected, the owner's written consent for the erection of the sign must be included.
- B. Applications for all signs except temporary signs located within the Aurora Village-Wells College Historic Overlay District shall, in addition to the application requirements for a sign permit, submit an application for a Certificate of Appropriateness through the Community Preservation Panel in accordance with the regulations of Article VII.

Section 12.10 – Issuance of Permit, Nullification and Installation Record

- A. Upon the filing of a completed Application for Sign Permit, the Zoning Officer shall examine the plans, specifications and other data submitted and the premises on which the sign is to be erected. The Zoning Officer shall issue a decision within 30 days of receiving said application.
1. If it is determined the sign is in compliance with all the requirements of this Section, the Zoning Officer shall then, within five (5) business days of issuing a decision, issue a permit for the erection of the proposed sign. The issuance of a permit shall not excuse the applicant from conforming to the other laws and ordinances of the Village.
 2. The Village Clerk shall within the same five (5) business days inform the applicant in writing of the issuance of the permit.
- B. Upon completion or installation of the approved sign, the applicant shall provide a photograph of said sign installation that shall be kept in the original application file in the Village Clerk's office as part of the public record.

- C. Permits are issued with a one (1) year life, renewable for an additional year. If work has not commenced within one hundred eighty (180) days after the issuance of a renewed permit, that permit shall automatically expire and a new permit shall be required.

Section 12.11 – Variances, Review and Appeal

- A. Any person aggrieved by a decision of the Zoning Officer relative to the provisions of this Section may appeal such decision, in writing, to the Zoning Board of Appeals, within thirty (30) days after the adverse decision in accordance with Article XIX, Section 19.03 of this Local Law.

Section 12.12 – Enforcement

- A. In case of a violation of this Section, the Village of Aurora and its officers may, in addition to any other remedies specifically conferred by law or ordinance, institute any appropriate proceedings to prevent the unlawful erection, construction, reconstruction, alteration or use of any sign not in compliance with this Section.

Section 12.13 – Violations

- A. The erection of new signs or changes of size, illumination or location of existing signs without a permit is subject to enforcement and punishment consistent with Sections 18.10 and 18.11.

Sign Permit Application Procedures

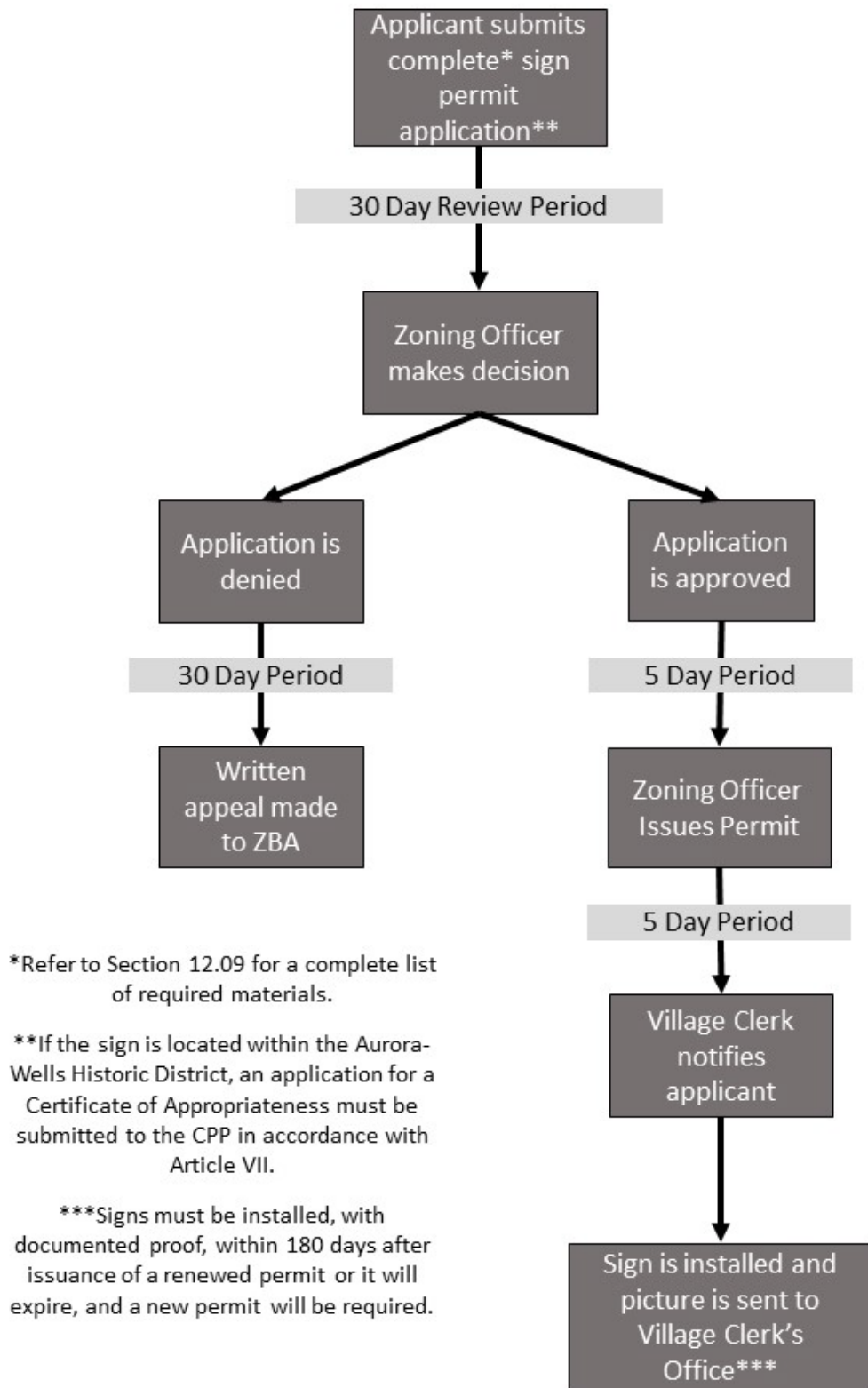


Figure 10: Sign Permit Application Procedures

ARTICLE XIII: SITE PLAN REVIEW AND APPROVAL

Section 13.01 – Applicability

- A. Prior to the issuance of a building or zoning permit for any use noted in Section 4.05, Use Table as requiring site plan review, the Planning Board shall require the preparation and submittal of a site plan for its review and approval in accordance with the standards and procedures set forth in this Article.
1. Major Site Plan Projects - Any proposed development of land over one (1) acre, or with any new road, or building of 5,000 square feet or more.
 2. Minor Site Plan Projects - Any proposed development of land less than one (1) acre, without any new roads, and where all existing and proposed structures combined total less than 5,000 square feet.
 - a. Any activity which involves the disturbance of 500 sq. ft. or more of land within 300 feet of the mean high-water mark of Cayuga Lake, shall be required to obtain a minor site plan approval.
 - b. Any activity which involves the disturbance of 3,000 sq. ft. or more of land within the Open Space/Outdoor Recreation District or Lakefront Residential District shall be required to obtain a minor site plan approval. This same requirement also applies to land in the Village District on the west side of Main Street (NYS Route 90).

Section 13.02 – Sketch Plan Conference

- A. Sketch Plan Conference Required. The purpose of the sketch plan conference is to discuss with the applicant the project's conformity with the Comprehensive Plan, the requirements in the Zoning Law, and to advise the applicant of other issues or concerns. The Sketch Plan Conference provides an opportunity to indicate whether the proposal, and its major features, is acceptable or whether it should be modified before expenditures for more detailed plans are made.
1. Major Site Plans. All applicants for Major Site Plan Review shall meet with the Zoning Officer and the Planning Board at a regular Planning Board meeting to conduct a Sketch Plan Review to review the basic site design concept and determine the information to be required on the preliminary site plan.
 2. Minor Site Plans. All applicants for Minor Site Plan Review shall meet with the Zoning Officer and the Planning Board Chair either at a regular Planning Board meeting or at some other time to conduct a Sketch Plan Review to review the basic site design concept and determine the information to be required on the preliminary site plan.
- B. Required Data. Information to be included on the sketch plan is as follows:
1. An area map showing the parcel under consideration for Site Plan Review and all parcels, structures, subdivisions, streets, sidewalks, driveways, easements and permanent open space within 200 feet of the boundaries thereof, or at the discretion of the Planning Board.
 2. A map of site topography at no more than five (5) foot contour intervals, or at the discretion of the Planning Board, shall be provided. If general site grades exceed 5% or if portions of the site have susceptibility to erosion, flooding, or ponding, a soils overlay and topographic map showing contour intervals of not more than two (2) feet of elevation shall also be provided.
 3. General identification of all existing natural features and utilities on the site and in the area.
 4. The location of all existing and proposed structures on the site and designated uses for each.

5. Identification of existing zoning classification(s) of the property and all adjacent properties and any restrictions on land use of the site.

Section 13.03 – Preliminary Site Plan Application

- A. Application For Preliminary Site Plan Approval. An application for preliminary site plan approval shall be made in writing and shall be accompanied by information as determined necessary during the Sketch Plan Conference. Upon receipt of all the information required herein, the Planning Board shall place the application on the agenda of the next meeting of the Board when such application is received in the Village Clerk’s office at least ten (10) business days before the next regular meeting. The Planning Board shall determine at that meeting if the application is complete.
- B. Major Preliminary Site Plan Checklist. It is important for the Planning Board to have appropriate information tailored to the plan for site development. To accomplish this, a preliminary sketch plan review is conducted to determine those items from the comprehensive list below which will be required for site plan approval. All site plan information and building designs shall be prepared by a licensed New York State architect, engineer, surveyor, or landscape architect for Major Site Plans. The preliminary site plan may include:
 1. A vicinity map drawn at the scale of ten (10) feet to the inch or larger that shows the relationship of the proposal to existing community facilities which affect or serve it, such as roads, shopping areas, schools, etc. The map shall also show all properties, structures, subdivisions, streets, easements, permanent open space, and other pertinent features within 500 feet of the property. Such a sketch may be superimposed on a United States Geological Survey or New York State Department of Transportation map of the area.
 2. An existing conditions map or maps, showing existing buildings, streets, rights-of-way, utilities, and other man-made features, as well as topography and all existing natural land features that may influence the design of the proposed use such as rock outcrops, single trees eight or more inches in diameter at four (4) feet above ground level, located within any area where clearing will occur, forest cover, soils (including prime and statewide important agricultural soils), ponds, lakes, wetlands and watercourses, aquifers, floodplains, and drainage retention areas. Such map or maps shall also show mapped ecological and natural resource information.
 3. All Site Plan sheets shall include a title and/or name of the project, the name, mailing address and email address of the owner of record, developer, and seal of the engineer, architect, and/or landscape architect, project boundaries, North arrow, scale of the plan, and the date prepared. If the applicant is not the record owner, a letter of authorization shall be required from the owner.
 4. The location and use of all existing and proposed principal and accessory buildings and structures on the property, including all dimensions of height and floor area, all exterior entrances, other planned features, and all anticipated future additions and alterations.
 5. The location of all present and proposed public and private ways, off-street parking areas, driveways, showing ingress and egress for motor vehicles and pedestrians including access signs (with descriptions), as well as all present and proposed outdoor storage areas, sidewalks, ramps, curbs, paths, existing and proposed vegetation and landscaping, walls, and fences. Location, type, and screening details for all waste disposal containers shall also be shown.
 6. The location, purpose, and holder of all proposed easements or dedications for utilities, recreation, conservation, or other purpose.

7. The location, height, intensity, and bulb type (sodium, incandescent, etc.) of all external lighting fixtures. The direction of illumination and methods to eliminate glare onto adjoining properties must also be shown.
8. The location, height, size, materials, and design of all proposed signs.
9. The location of fire and other emergency zones, including the location of fire hydrants.
10. The location and description of all present and proposed utility systems, including:
 - a. Sewage or septic system including wastewater discharge measures;
 - b. Water supply system including:
 - i. The source of water to be used;
 - ii. The quantity of water required;
 - iii. Water use minimization measures to be implemented;
 - iv. Water recycling measures to be implemented;
 - c. Telephone, cable, gas, wind and solar energy systems, and electrical systems; and
 - d. Storm drainage system, including existing and proposed drain lines, culverts, catch basins, headwalls, endwalls, hydrants, manholes, and drainage swales.
11. Erosion Sediment Control Plan as required by Article IX, Section 9.06, H to prevent the pollution of surface or groundwater, erosion of soil both during and after construction, excessive runoff, excessive raising or lowering of the water table, and flooding of other properties, as applicable. Plan shall include grading and/or stormwater control measures to enhance on-site recharge of surface water and identify point source or nonpoint discharges.
12. Existing and proposed topography at two (2) foot contour intervals, or such other contour interval as the Board shall specify. All elevations shall refer to the nearest United States Coastal and Geodetic BenchMark. If any portion of the parcel is within the one-hundred-year floodplain, the area will be shown and base flood elevations given, and measures and features to comply with flood hazard and flood insurance regulations shall be provided. Areas shall be indicated within the proposed site and within fifty (50) feet of the proposed site where soil removal or filling is required, showing the approximate volume in cubic yards.
13. A landscape, planting, drainage, and grading plan showing proposed changes to existing features including the location and proposed design of all buffer areas, including existing vegetative cover. The drainage plan shall also clearly explain the methodology used to project stormwater quantities and the resultant peak flow conditions.
14. Land use district boundaries within 200 feet of the site's perimeter shall be drawn and identified on the site plan, as well as any overlay districts that apply to the property.
15. Traffic flow patterns within the site, entrances and exits, and loading and unloading areas, as well as curb cuts, or roadway entry point, on the site and within 200 feet of the site. The Planning Board may, at its discretion, require a detailed traffic study for large developments or for those in heavy traffic areas to satisfy the requirements of Article IX, Section 9.03, K.
16. For new construction or alterations to any structure, a table containing the following information shall be included:
 - a. Estimated area of structure currently used and intended to be used for particular uses such as retail operation, office, storage, etc.

- b. Estimated maximum number of current and future employees;
 - c. Maximum seating capacity, where applicable; and
 - d. Number of parking spaces existing and required for the intended use.
17. Elevations at a scale of 1/4 inch equals 1 foot for all exterior facades of the proposed structure(s) and/or alterations to or expansions of existing facades, showing design features and indicating the type and color of materials to be used.
 18. Where appropriate, the Planning Board may request soil logs, percolation test results, and storm runoff calculations.
 19. Plans for disposal of construction and demolition waste, either on site or at an approved disposal facility.
 20. Where appropriate, a cultural resource survey of resources with historic or archaeological significance.
 21. An Agricultural Data Statement as defined in Section 2.02, if required by §305-a of the New York State Agriculture and Markets Law, any application for a special use permit, site plan approval, use variance, or subdivision approval requiring municipal review and approval that would occur on property within a New York State Certified Agricultural District containing a farm operation or property with boundaries within 500 feet of a farm operation located in an Agricultural District shall include an Agricultural Data Statement.
 22. A complete list of any hazardous substances to be used on site, along with quantity to be used and stored on site and a description of hazardous substance storage or handling facilities and procedures.
 23. Any projects where water consumption exceeds the natural recharge, the applicant shall demonstrate through SEQRA how such impact will be mitigated through, for example, compensatory recharge equal to the identified recharge deficit through a combination of artificial on-site or off-site recharge, or provision of compensatory natural recharge areas elsewhere in the Village.
 24. For all developments disturbing more than one acre, New York State Department of Environmental Conservation (NYSDEC) requires that Municipalities receive a copy of the Storm Water Pollution Prevention Plan (SWPPP) prior to plan approval. The owner is required to comply with the NYSDEC's "SPEDES General Permit for Storm Water Discharge from Construction Activity" Permit #GP-02-01 (or as may be revised).
 25. A copy of an approved Certificate of Appropriateness from the Community Preservation Panel for any project involving an individual historic landmark, scenic landmark, or for a property located in a historic district as defined in Section 7.04 of this Local Law.
 26. Any other information that may be deemed necessary by the Planning Board including but not limited to:
 - a. Identification of any State or County permits required for the project's execution.
 - b. Record of application for and approval status of all necessary permits from State and County officials.
 - c. An estimated project construction schedule and project value.
 - d. State Environmental Quality Review (SEQRA) forms.
 - e. A construction management plan.
- C. Minor Site Plan Project Preliminary Site Plan Checklist. Minor site plans shall contain the information listed below and other information listed above in section 13.03 B if the Planning

Board Chair and Zoning Officer deem such information necessary. Minor project site plan application materials may be prepared by a licensed professional engineer, architect, or landscape architect, but the Planning Board shall not require this unless the services of such professionals are necessary to provide accurate information or are otherwise required by law. A minor project site plan application shall contain the following information:

1. A sketch of the parcel on a location map (*e.g.*, a Tax Map) showing boundaries and dimensions of the parcel and identifying contiguous properties within 200 feet of the proposed structure and any known easements or rights-of-way and roadways.
2. Existing features of the site located within 200 feet of the proposed structure, including land and water areas, water or sewer systems, and the approximate location of all structures within 200 feet of the proposed structures.
3. The proposed location and arrangements of structures and uses on the site, including means of ingress and egress, parking, and circulation of traffic.
4. A sketch of any proposed structures (including signs), showing exterior dimensions and elevations of front, side, and rear views; copies of available blueprints, plans, or drawings.
5. A concise description of the project describing the intended use of proposed structures (including signs) and any changes in the existing topography and natural features.
6. The name, mailing address and email address of the applicant and any professional advisors, and the authorization of the owner if the Applicant is not the owner.
7. If the parcel contains a stream, wetland, or floodplain, a copy of the floodplain map and wetland map that corresponds with the boundaries of the property.
8. The location, height, intensity, and bulb type (sodium, incandescent, etc.) of all external lighting fixtures. The direction of illumination and methods to eliminate glare onto adjoining properties must also be shown.

D. Required fee.

1. All required fees, as established by the Board of Trustees by resolution in the Village of Aurora Fee Schedule, shall be paid when the application is made along with any required escrow deposit for review costs, as required by the Planning Board.

E. Waivers. The Planning Board may waive or allow deferred submission of any of the information required in Section 13.03, as it deems appropriate to the application. Such waivers shall be discussed in the course of a Sketch Plan Conference. The Planning Board shall issue a written statement of waivers for all major projects. This statement shall be filed in permanent record of the property.

Section 13.04 – Planning Board Review of Preliminary Site Plan for Major Projects

A. Criteria. In reviewing site plans for major projects, the following general criteria shall be considered in the Planning Board’s review:

1. Layout And Design.

- a. To the maximum extent practicable, development shall be located to preserve the natural features of the site and to avoid wetland areas, steep slopes, significant wildlife habitats and other areas of environmental sensitivity. The placement and design of buildings and parking facilities shall take advantage of the site's topography, existing vegetation, and other pertinent natural features.
- b. All structures in the plan shall be integrated with each other and with adjacent structures and shall have convenient access between adjacent uses.

- i. Location, arrangement, size, design and general compatibility of buildings, lighting and signs to the site.
 - ii. Adequacy and arrangement of vehicular traffic access and circulation, including intersections, road widths, pavement surfaces, dividers, pavement markings, and traffic controls for parking, loading and drive-in facilities.
 - iii. Location, arrangement, appearance, and sufficiency of off-street parking and loading.
 - iv. Adequacy and arrangement of pedestrian traffic access and circulation, walkway structures, control of intersections with vehicular traffic and overall pedestrian convenience. In general, sidewalks shall be required along all publicly dedicated roads or streets on lots within 1,000 feet of a school, park, or residential concentration.
 - v. Adequacy of water supply and sewage disposal facilities.
 - vi. Adequacy of community services, including fire, ambulance and police protection, and on-site provisions for emergency services, including fire lanes and other emergency zones, and the provision of fire hydrants and water pressure.
 - vii. Adequacy and unobtrusiveness of public utility distribution facilities, including those for gas, electricity, cable television, and phone service.
 - viii. Conformance with density, lot size, height, setbacks, maximum lot coverage, and all other requirements contained in this Local Law.
- c. Compatibility with traditional structures and the surrounding area in architecture, massing, proportion, placement, and harmony with traditional elements in the architectural fabric of the area is encouraged for structures that are visible from public roads. Such compatibility shall be required for structures located in the Aurora Village-Wells College Historic Overlay District. Rooftop and ground level mechanical equipment shall be screened from public view using materials harmonious with the building or shall be located where they are not visible from any public ways.
- i. The Planning Board shall require receipt of a Certificate of Appropriateness from the Community Preservation Panel for properties located in the Aurora Village-Wells College Historic Overlay District.
 - ii. In the Aurora Village-Wells College Historic Overlay District, trademarked architecture which identifies a specific company by building design features shall be prohibited, unless the applicant can demonstrate that the design is compatible with the historic architecture of Aurora.
 - iii. Impacts on historic and cultural resources shall be minimized.
- d. When practicable, utility service systems shall be placed underground.
2. Landscaping.
- a. Landscaping shall be an integral part of the entire project area and shall buffer the site from and/or integrate the site with the surrounding area, as appropriate.
 - b. Landscape plantings of shrubs, ground cover and shade trees, as well as perennials and annuals and other materials such as rocks, water, sculpture, art, walls, fences, paving materials and street furniture, shall be encouraged to create pedestrian-scale spaces and to maintain landscape community within the community. All landscaping within the site shall be designed to facilitate conservation of the environment and preservation of community aesthetic character. This shall be accomplished through the use of native

- plant material and the retention of existing natural vegetation, thereby reducing or eliminating the need for irrigation, pesticides, herbicides and fertilizers.
- c. Existing tree stock eight (8) or more inches in diameter at four (4) feet in height from ground level shall be protected and preserved to the maximum extent possible to retain valuable community natural resources and promote energy conservation by maximizing the cooling and shading effects of trees. The preservation of mature plant species, hedgerows, wetlands and woodlots shall be encouraged and included as a design element in the development of the site.
 - d. Landscape buffers shall be provided between uses that may be incompatible, such as large-scale commercial uses and residences, or parking areas and residences. Such buffers may include planted trees and shrubs, hedgerows, berms, existing forestland or forest created through natural succession. The width of such buffer areas will depend upon the topography, scale of the uses, and their location on the property.
 - i. Adequacy, type and arrangement of trees, shrubs and other landscaping constituting a buffer protecting adjacent properties against noise, glare, unsightliness or other similar nuisances, including the maximum retention of existing vegetation.
 - ii. Size, location, arrangement and use of required open space and adequacy of such open space to preserve scenic views and other natural features, to provide wildlife corridors and habitats, to provide suitable screening and buffering; and to provide required recreation areas.
3. Miscellaneous Standards.
- a. Drainage of the site shall recharge groundwater to the extent practical. Surface water flowing off site shall not increase above pre-development conditions and shall not adversely affect drainage on adjacent properties or public roads.
 - i. Adequacy of stormwater calculation and collection methodology and drainage facilities to eliminate off-site runoff and maintain water quality with special attention to the adequacy and impact of structures, roadways and landscaping in areas with susceptibility to ponding, flooding or erosion.
 - b. Applicable requirements for proper disposal of construction and demolition waste shall be satisfied, and any necessary permits or agreements for off-site disposal shall be obtained.
 - c. No materials shall be placed below the finished grade of a site other than utilities, and clean fill that is uncontaminated by any solid waste or hazardous materials. Materials that were previously contaminated and have been reconditioned shall not be permitted under this Subsection, except that decontaminated material may be used as a base for road or parking lot construction, provided that such decontaminated material does not pollute groundwater or surface water.
 - d. Making provision for, so far as conditions may permit, the accommodation of solar energy systems and equipment and access to sunlight necessary thereof.
 - e. The Site Plan proposal should support the vision, goals, recommendations, etc. of this Village of Aurora Comprehensive Plan and other relevant local planning studies.
- B. Applicant to Attend Planning Board Meeting.
1. The applicant and/or their duly authorized representative shall attend the meeting of the Planning Board where the preliminary site plan is reviewed.

- C. Consultant Review. The Planning Board may consult with the Village Board of Trustees, Zoning Officer, Fire Commissioners and other appropriate local and county officials and departments and its designated private consultants, in addition to representatives of federal and state agencies, including but not limited to the Cayuga County Soil and Water Conservation Service, the New York State Department of Transportation, and the New York State Department of Environmental Conservation.
- D. Public Hearing. The Planning Board may conduct a public hearing on the preliminary site plan. If a public hearing is considered desirable by a majority of the members of the Planning Board, such public hearing shall be conducted within sixty-two (62) calendar days of the receipt of the application for preliminary site plan approval. The Village shall publish a notice in the Village's official newspaper and post in any other location/media that the Village deems appropriate and necessary at least ten (10) business days prior but not more than thirty (30) calendar days prior to the date fixed for public hearing.
- E. Application for Area Variance. Where a proposed site plan contains one (1) or more features which do not comply with the dimensional regulations of this Local Law, application may be made to the Zoning Board of Appeals for an area variance pursuant to Section 19.03 of this Local Law without a decision or determination by the Zoning Officer. Under no circumstances may the Zoning Board of Appeals modify stream setbacks.
- F. SEQRA Compliance. Upon receipt of application materials it deems complete, the Planning Board shall initiate the New York State environmental quality review.

Section 13.05 – Planning Board Action on Preliminary Site Plans for Major Projects

- A. Within sixty-two (62) calendar days after Public Hearing or within sixty-two (62) calendar days after the complete application was filed if no Public Hearing was held, the Planning Board shall act on the application for preliminary site plan approval. This time may be extended by mutual consent of the applicant and the Planning Board. The Planning Board's action shall be in the form of a written statement to the applicant stating whether or not the preliminary site plan is approved, disapproved, or approved with modifications.
- B. The Planning Board's statement may include recommendations of desirable modifications to be incorporated in the final site plan, and conformance with said modifications shall be considered a condition of approval. If the preliminary site plan is disapproved, the Planning Board's statement will contain the reasons for such findings. In such a case, the Planning Board may recommend further study of the site plan and resubmission to the Planning Board after it has been revised or redesigned.

Section 13.06 – Final Site Plan Approval Procedure for Major Projects

- A. After receiving approval, with or without modifications, from the Planning Board on a preliminary site plan, the applicant shall submit a final detailed site plan to the Planning Board for approval. If more than six months has elapsed since the time of the Planning Board's action on the preliminary site plan and if the Planning Board finds that conditions have changed significantly in the interim, the Planning Board may require a resubmission of the preliminary site plan for further review and possible revision prior to accepting the proposed final site plan for review. The Planning Board may also require a new public hearing. The final site plan shall conform substantially to the approved preliminary site plan. It should incorporate any modifications that may have been recommended by the Planning Board in its preliminary review. All such compliance shall be clearly indicated by the applicant on the appropriate submission.
- B. The following additional information shall accompany an application for final site plan approval:

1. Record of application for and approval status of all necessary permits from local, state, and county officials.
2. An estimated project construction schedule.
3. A legal description of all areas proposed for municipal dedication.
4. A conservation easement or other recordable instrument executed by the owner for any permanent open spaces created.

Section 13.07 – Referral to County Planning Board

- A. Prior to taking action on the final site plan, the Planning Board shall refer the plan to the County Planning Board for advisory review and a report in accordance with Section 239-1, m & n of the New York State General Municipal Law and Section 19.04 of this Local Law.

Section 13.08 – Planning Board Action on Final Site Plans for Major Projects

- A. Within sixty-two (62) calendar days of receipt of the application for final site plan approval, the Planning Board shall make its final decision to either approve or disapprove of the final site plan. This time may be extended by mutual consent of the applicant and the Planning Board. The Planning Board shall submit a written copy of its decision to the applicant, Code Enforcement Officer, Zoning Officer, and the Village Clerk within five (5) business days of the Planning Board's decision.
- B. -Upon approval of the final site plan and payment by the applicant of all fees and reimbursable costs due and letter of credit if required, the Planning Board shall endorse its approval on a copy of the final site plan and shall forward a copy of the approved final site plan to the applicant, Code Enforcement Officer, Zoning Officer, and the Village Clerk.
- C. Upon disapproval of a final site plan, the Planning Board shall so inform the Code Enforcement Officer, and the Code Enforcement Officer shall deny a building permit to the applicant. The Planning Board shall also notify the applicant, Zoning Officer, and Village Clerk in writing of its decision and its reasons for disapproval. These notifications shall comply with the time frames in Subsection A above.

Section 13.09 – Planning Board Review and Approval of Site Plans for Minor Projects

- A. The procedure for minor project site plan review approval by the Planning Board shall include a Sketch Plan Conference as prescribed in Section 13.02 and follow the same procedures for major projects as prescribed in Sections 13.04 through 13.08 except Sections 13.05 and 13.06 shall not apply to minor projects. The following shall also apply:
 1. A minor project site plan application shall contain all of the materials and information as specified in Section 13.03 C.
 2. No public hearing shall be required for a minor project site plan. The Planning Board may, in its sole discretion, hold a public hearing following the procedures below. If no public hearing is held, the Planning Board shall give notice to the County Planning Board in accordance with Section 13.07 and 13.03, B, 17 respectfully, and shall render a decision within sixty-two (62) days of its receipt of a complete site plan application. In order to approve a minor project site plan, the Planning Board must find that the proposal is generally consistent with the same criteria for Major Projects as listed in Section 13.04, A and will not adversely affect neighboring properties.
 - a. Public Hearing. The Planning Board may conduct a public hearing on the minor project site plan. If a public hearing is considered desirable by a majority of the members of the Planning Board, such public hearing shall be conducted within sixty-two (62) calendar days of the receipt of the application for site plan approval. The Village shall

publish a notice in the Village's official newspaper and post in any other location/media that the Village deems appropriate and necessary at least ten (10) business days prior but not more than thirty (30) calendar days prior to the date fixed for public hearing.

Section 13.10 – Implementation, Revision, and Enforcement of Approved Site Plans

- A. Within six (6) months after receiving approval of a site plan, with or without modifications, the Applicant shall submit multiple copies of the site plan to the Planning Board for stamping and signing. The number required shall be determined by the Planning Board. The site plan submitted for stamping shall conform strictly to the site plan approved by the Planning Board, except that it shall further incorporate any required revisions or other modifications and shall be accompanied by the following additional information:
1. Record of application for and approval status of all necessary permits from federal, state, and county officials.
 2. Detailed sizing and final material specification of all required improvements.
 3. An estimated project construction schedule. If a performance guarantee pursuant to Subsection B below is to be provided by the Applicant for all or some portion of the work, a detailed site improvements cost estimate shall be included.
 4. Proof of payment of the Planning Board's reasonable review costs.
 5. Upon stamping and signing the site plan, the Planning Board shall forward a copy of the approved site plan to the applicant, Code Enforcement Officer, Zoning Officer and the Village Clerk. The Code Enforcement Officer may then issue a building permit or certificate of occupancy if the project conforms to all other applicable requirements.
- B. Performance Guarantee. No Certificate of Occupancy shall be issued until all improvements and utilities to be publicly dedicated as shown on the site plan are installed, or a sufficient performance guarantee has been posted for improvements not yet completed. The performance guarantee shall be posted in accordance with the procedures specified in Section 7-730 of New York State Village Law relating to subdivisions. The amount and sufficiency of such performance guarantee shall be determined by the Village Board of Trustees after consultations with the Planning Board, Zoning Officer, Village Attorney and other appropriate parties.
- C. As-Built Plans and Inspection of Improvements. No Certificate of Occupancy shall be granted until the Applicant has filed a set of as-built plans with the Code Enforcement Officer, indicating any deviations from the approved site plan. The Code Enforcement Officer and Zoning Officer shall be responsible for the overall inspection of site improvements, including coordination with the Planning Board and other local officials and agencies, as may be appropriate. The Code Enforcement Officer shall grant a certificate of occupancy upon a finding that the project as-built plan complies in all material respects with the site plan.
- D. Site Plan Amendments. An approved site plan may be amended by filing an application with the Planning Board for a site plan amendment.
1. If the Planning Board finds that such proposed amendment is consistent with the terms of any applicable special permit approval (or if no special permit is required) and does not represent a substantial change from the approved site plan, it shall grant the amendment without a hearing.
 2. If the Planning Board determines that the proposed amendment is consistent with the terms of the applicable special permit approval (or if no special permit is required) but is a substantial change from the approved site plan, it shall follow the procedures for site plan approval public hearings contained in this Article and hold a public hearing if the amendment would be considered to be a major project.

3. If the Planning Board determines that the proposed amendment is inconsistent with the terms of any special permit approval, it shall consider the application to be one for a special permit amendment and proceed pursuant to Article VI.

E. Expiration, Revocation, and Enforcement.

1. A site plan approval shall expire and become null and void if the Applicant fails to commence construction, to obtain the necessary building permits, or to comply with the conditions of the site plan approval within eighteen (18) months of its issuance or if the special permit with which it is associated expires. The Planning Board may grant a one-time six (6) month extension upon request from the applicant if such request is received prior to the eighteen (18) month expiration date.
2. A site plan approval may be revoked by the Planning Board if the permittee violates the conditions of the site plan approval or engages in any construction or alteration not authorized by the site plan approval.
3. Any violation of the conditions of a site plan approval shall be deemed a violation of this Local Law and shall be subject to enforcement action as provided herein.

Section 13.11 – Reimbursable Costs

- A. Costs incurred by the Planning Board for consultation fees or other extraordinary expenses in connection with the review of a proposed Site Plan or inspection of required improvements shall be charged to the applicant. Estimated review fees shall be deposited into an escrow account when making application for preliminary site plan approval. Such fees may include staff costs or consultant fees covering planning, engineering, environmental analysis, wetland delineation, legal review, and other technical services required for a proper and thorough professional review of the application. No permit shall be issued until all costs have been paid. The Village shall account for the expenditure of all such funds and shall promptly refund any unexpended funds within twenty (20) business days of final action by the Planning Board.

Section 13.12 – Integration of Procedures

- A. Whenever the particular circumstances of proposed change, improvement or development require compliance with either the Special Use Permit procedure pursuant to Article VI of this Local Law, or the requirements for the subdivision of land in Article XIV of this Local Law, the Planning Board shall attempt to integrate, as appropriate, Site Plan Review as required by this Article with the procedural and submission requirements for such other compliance.

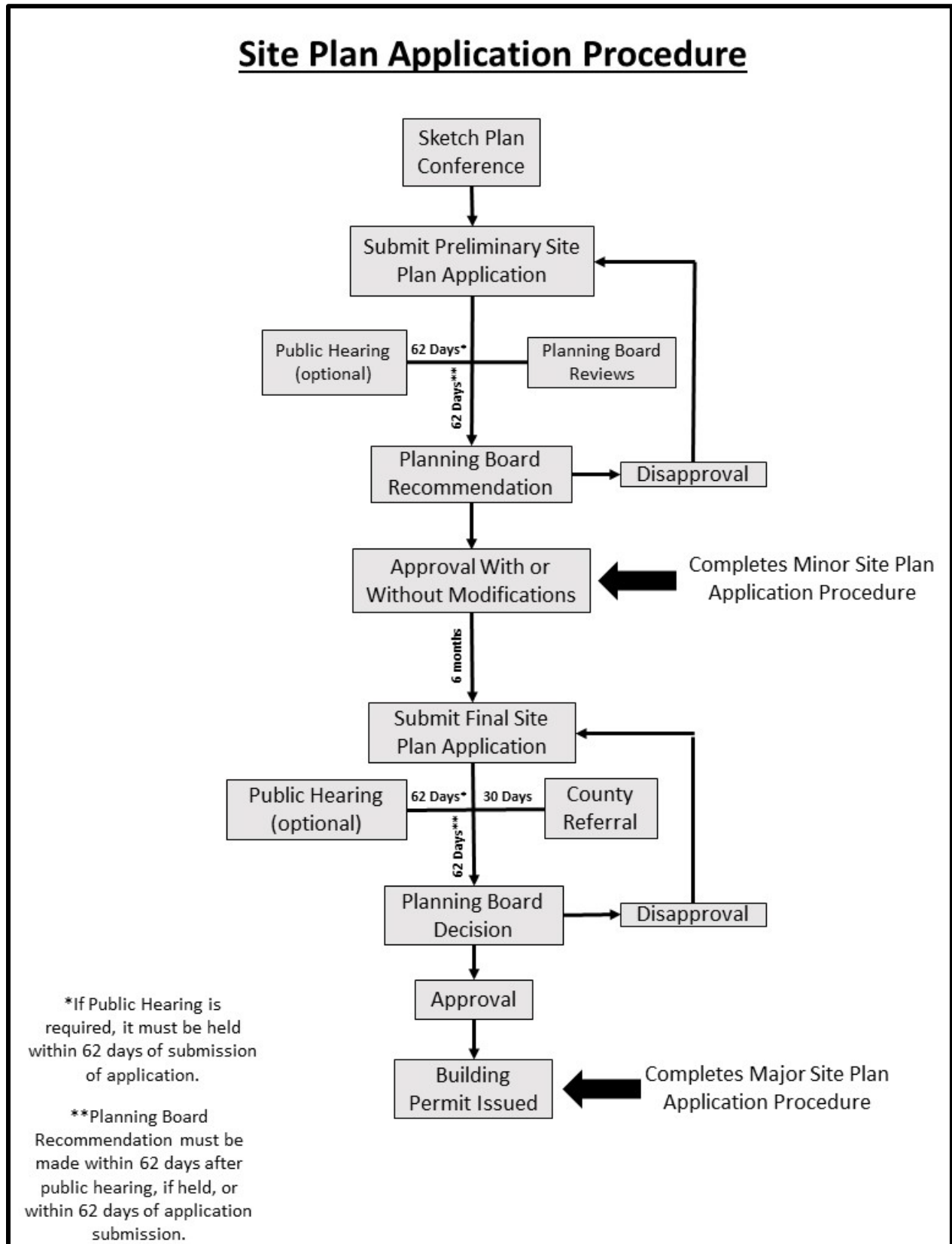


Figure 11: Site Plan Application Procedures

ARTICLE XIV: SUBDIVISION REGULATIONS

Section 14.01 – Authority for Plat Approval and Compliance with Policy

- A. Approval of Plats. By the authority of the New York State Village Law, Article 7, §7-728; and the resolution of the Village Board of Trustees of the Village of Aurora, the Planning Board is authorized and empowered to approve plats showing lots, blocks or sites, with or without streets or highways, to approve the development of entirely or partially undeveloped plats already filed in the office of the Clerk of Cayuga County and to approve preliminary plats within the code enforcement of the Village of Aurora..
- B. Authority to Approve Cluster Development. The Planning Board of the Village of Aurora is further authorized to approve cluster development simultaneously with the approval of a plat or plats and to modify area requirements specified in the Village of Aurora Zoning Law, in accordance with New York State Village Law, Article 7, §7-738.
- C. Authority to Require Reservation of Land for Recreational Use. The Planning Board of the Village of Aurora is further authorized simultaneously with the approval of a plat or plats to require the applicant to reserve open space for parks, playgrounds, or other recreational purposes in accordance with the provisions of Section 14.22, G herein.
- D. Policy. It is declared to be the policy of the Planning Board to consider land subdivision as part of a plan for the orderly, efficient and economical development of the Village of Aurora while retaining its traditional neighborhood character. This means, among other things, that land to be subdivided shall be of such character that it can be used safely for building and development purposes without danger to health or peril from fire, flood or other menace and that proper provisions shall be made for drainage, water supply, sewerage and other needed improvements.
- E. All proposed lots shall be laid out and of such a size so as to be in harmony with the development pattern of neighboring properties, so that proposed streets, of such width, grade and location as to accommodate the free flow of prospective traffic, afford adequate light and air, facilitate fire protection and to provide access of firefighting equipment to buildings, and shall compose a convenient system conforming to the Official Map of the Village of Aurora, and shall be properly related to the proposals shown in the Comprehensive Plan of the Village, as it may be adopted and amended. In appropriate situations, proper provisions shall also be made for open spaces of suitable location, size and character for park areas, playgrounds, other outdoor recreational purposes, and for natural resource protection. These areas shall be shown on the subdivision plan.
- F. In order that land subdivisions may be made in accordance with this policy, these regulations shall be known and may be cited as “The Subdivision Regulations of the Village of Aurora, New York.” Failure to notify the Zoning Officer of any conveyance by subdivision shall be a violation of this Local Law and will be enforced by both civil action and financial penalties inclusive of injunctive relief to the effect of terminating such conveyances.

Section 14.02 – Applicability and Legal Effects

- A. Applicability of These Regulations. The regulations of this Article shall apply to:
 - 1. Any division of a lot into two (2) or more lots, whether new streets, public facilities, or municipal utility extensions are involved or not.
 - 2. Any other land transaction which requires filing of a plat with the Cayuga County Clerk.
 - 3. Note: Consolidation of lots for tax purposes, also referred to as a merger of parcels, as initiated by landowners and approved by the Cayuga County Real Property Office shall not

be considered a subdivision but a copy of such approved merger shall be provided to the Zoning Officer.

B. Legal Effect: Land-Use Regulations.

1. Whenever any subdivision of land is proposed to be made, and before any site modifications are made, and before any permit for the erection of a structure in such proposed subdivision is granted, the applicant or a duly authorized agent must apply for in writing and receive approval of the proposed subdivision in accordance with these regulations.

C. Legal Effect: Filing Plats with County Clerk.

1. Before any subdivision plat or survey map of land in the Village of Aurora is filed with the Cayuga County Clerk, the subdivision plat or survey map must be approved by the Planning Board Chair or the entire Planning Board, as applicable, in accordance with the procedures of this Local Law and New York State Village Law, Article 7, §7-728.

D. Plat Void if Revised After Approval.

1. No changes, erasures, modifications, or revisions shall be made in any subdivision plat or survey map after approval has been given by the Planning Board Chair or the entire Planning Board and endorsed in writing on the subdivision plat or survey map, unless the subdivision plat or survey map is first resubmitted to the Planning Board and the Board approves any modifications.
2. In the event that any such subdivision plat or survey map is recorded without complying with this requirement, it shall be considered null and void, and the Zoning Officer may initiate proceedings to have the plat or licensed survey map stricken from the records of the Cayuga County Clerk.

Section 14.03 – Types of Subdivisions and Procedures

A. General description. The following is a list of key considerations governing the subdivision of land:

1. **Subdivision.** Subdivisions proposed for the Village of Aurora will be considered either as simple, minor, or major subdivisions.
2. **Re-Subdivisions.** Any change to an existing plat is considered a re-subdivision and thus requires approval of the Planning Board in accordance with the procedures of this Article.
3. **Surety.** The Planning Board may require that appropriate surety be posted to assure that all publicly dedicated aspects of the project are constructed as designed or to assure that the conditions of approval are met.
4. **Clustering.** The Planning Board will consider any proposal for a clustered project, but the Planning Board reserves the right to require clustering to protect environmentally sensitive areas or to preserve open space.
5. **SEQR.** All proposals require appropriate environmental reviews in accordance with the State Environmental Quality Review procedures.

B. These regulations recognize three (3) types of subdivisions, which are subject to three (3) different review and approval procedures:

1. **Simple Subdivision.** Review includes two required submissions by the applicant, review by the Planning Board, and approval by the Planning Board Chair.

2. Minor Subdivision. Review includes two required submissions by the applicant, may include a public hearing if considered desirable by the Planning Board, and approval by the Planning Board.
3. Major Subdivision. Review includes three required submissions by the applicant, at least one (1) public hearing by the Planning Board, and approval by the Planning Board.

Section 14.04 – Coordination with Cayuga County Health Department

- A. The provisions of the Cayuga County Sanitary Code are in addition to these Subdivision Regulations.

Section 14.05 – Consultation and Reimbursable Costs

- A. The Planning Board may choose at any point in a subdivision review process to request consultants for review, comment, and advice on any aspect of the approval process, subdivision design, engineering specifications, or other pertinent matters.
- B. Costs incurred by the Planning Board for consultation fees or other extraordinary expenses in connection with the review of a proposed subdivision or inspection of required improvements shall be charged to the applicant. Estimated review fees shall be deposited into an escrow account when making application for preliminary subdivision approval. Such fees may include staff costs or consultant fees covering planning, engineering, environmental analysis, wetland delineation, legal review, and other technical services required for a proper and thorough professional review of the application. No permit shall be issued until all costs have been paid. The Village shall account for the expenditure of all such funds and shall promptly refund any unexpended funds within twenty (20) business days of final action by the Planning Board.

Section 14.06 – Plat Review of Uncompleted Subdivisions

- A. The Planning Board may, on direction of the Village Board of Trustees, review, for the purposes of revision or granting an exemption, any plat within the Village of Aurora municipal boundaries already on file with the Cayuga County Clerk, as authorized under the New York State Village Law Article 7, §7-728.

Section 14.07 – Definitions

- A. In addition to terms defined in Article II, Section 2.02 of this Local Law, the following terms, as used in this Article, shall have the meanings indicated:

Applicant: Any person, firm, corporation, partnership, entity or association who shall lay out any subdivision or part thereof as defined herein, either personally or on behalf of ownership, lessee or building development, and shall include re-subdivision.

Date of Submission: The date on which a complete subdivision application is considered submitted to the Planning Board. A subdivision application shall not be considered complete until a negative declaration or a notice of completion of the draft environmental impact statement has been filed in accordance with the provisions of the State Environmental Quality Review Act. The time periods for review of a plat shall begin upon the filing of such negative declaration or such notice of completion, provided that all other required application documentation and information has been submitted to the Planning Board prior to the filing of such negative declaration or such notice of completion.

Drainage Right-of-Way: The lands required for the installation of stormwater sewers or drainage ditches, or field tiles are required along a natural stream or watercourse for preserving the channel and providing for the flow of water therein to safeguard the public against flood damage.

Official Map: A map, adopted by a legislative body through a resolution or ordinance, showing existing streets and approved proposed streets, parks, and other public places.

Re-Subdivision: Revision of all or part of an existing filed plat.

Subdivision: The legal division of any parcel of land into two (2) or more lots, plots, sites or other divisions of land for the purpose, whether immediate or future, of transfer of ownership, lease, or building development, with or without new roads. The term “subdivision” shall include any alteration of lot lines or dimensions of any lots or sites shown on a plat previously approved and filed in the Office of the Cayuga County Clerk.

1. Subdivision, Major: Any subdivision not classified as a minor subdivision, including but not limited to subdivisions of five (5) or more lots, or any sized subdivision requiring a new street or extension of municipal facilities. A subdivision of a parcel that has been subdivided in the previous five (5) years shall be considered a Major Subdivision in accordance with the requirements of this Local Law.
 - a. Subdivision, Cluster: A Cluster Subdivision is a site planning approach that is an alternative to conventional subdivision development. It is a practice of low impact development that groups residential properties in a proposed subdivision closer together in order to utilize the rest of the land for open space, recreation, or agriculture.
2. Subdivision, Minor: Any subdivision of one parcel into at least two lots but not more than four (4) lots fronting on an existing street or road; does not include any new street or road; does not require the extension of municipal facilities; does not adversely affect adjacent properties; and is not in conflict with any provision of the Comprehensive Plan, the Official Zoning Map of the Village of Aurora, or these regulations. The establishment of a lateral connection to an existing public water or public sewer line which was present adjacent to or in the vicinity of the parcel(s) to be subdivided at the time of subdivision application shall not be considered the extension of municipal facilities for the purpose of this definition. However, if a main public water or public sewer transmission line must be extended to reach the parcel(s) in question in order for a lateral connection to be made, that action shall be considered an extension of municipal facilities and the subdivision shall then be defined as a Major Subdivision.
3. Subdivision, Simple: Any subdivision not classified as a Minor Subdivision or Major Subdivision where no new lots are created but where lot lines are rearranged. For the purposes of these regulations, lot line adjustments and the merger of two or more parcels shall be considered a simple subdivision. In all cases, the total number of parcels after the proposed simple subdivision shall be equal to or less than the total number of parcels prior to the application for the simple subdivision.
 - a. Lot Line Adjustment: A realignment of property lines between two (2) existing adjacent parcels, where the land taken from one parcel is added to the adjacent parcel, and where no new lots are created.
 - b. Merger: The combination of two (2) or more legally existing tax parcels into one (1) new legal tax parcel.

Surveyor: A person licensed as a land surveyor by the State of New York.

Undeveloped Plats: Those plats existing at the time of the enactment of this Local Law that have been filed in the office of the County Clerk, where 20% or more of the lots within the plat are unimproved.

Section 14.08 – Subdivision Procedures

- A. Classification of Subdivision. The first stage of subdivision is classification. Classification requires that an applicant schedule and attend a pre-application conference with the Zoning Officer and Planning Board at a regular Planning Board meeting. For this conference the applicant shall submit a Sketch Plan of the proposed subdivision to the Zoning Officer that provides sufficient detail to classify the action as to the type of review required.
- B. Sketch Plan Conference.
1. The subdivider shall prepare a sketch plan for informal discussion as required by subdivision type and described in subsection 2 through 4 below prior to submitting the Preliminary Plat for consideration. The sketch plan and conference serves the following functions:
 - a. To discuss the preliminary design of the subdivision and/or project.
 - b. To review the application requirements and identify specific information that shall be provided on the preliminary plat.
 - c. To set a probable timetable for review.
 2. Simple Subdivisions. A sketch plan conference with the applicant, Zoning Officer and the Planning Board Chair either at a regular Planning Board meeting or at some other time is required for all Simple Subdivision applications before review or approval by the Planning Board Chair.
 3. Minor Subdivisions. A sketch plan conference with the applicant, Zoning Officer and the Planning Board Chair either at a regular Planning Board meeting or at some other time is required for all Minor Subdivision applications before review or approval by the Planning Board.
 4. Major Subdivisions. A sketch plan conference with the applicant, Zoning Officer and the Planning Board at a regular Planning Board meeting is required for all Major Subdivision applications before review or approval by the Planning Board.
- C. The Sketch Plan initially submitted to the Zoning Officer shall be based on tax map information or on some other similarly accurate base map at a scale of one-inch equals two-hundred feet (1" = 200'). A submitted Sketch Plan shall show the following information:
1. The location of that portion which is to be subdivided in relation to the entire tract, and the distance to the nearest existing street intersection.
 2. All existing structures, wooded areas, streams, wetlands, flood hazard areas and other significant physical features within the portion to be subdivided and within 200 feet thereof.
 3. If topographic conditions are significant, contours shall also be indicated at intervals of not more than ten (10) feet.
 4. The tax map, block, and lot numbers of all lots shown on the plat.
 5. The names of the owner and of all adjoining property owners as disclosed by the current tax roll.
 6. All the utilities available and all streets as they appear on the Official Map.
 7. The proposed pattern of lots (with dimensions), street layout, recreation areas, systems of drainage, sewerage, and water supply within the subdivided area.
 8. All existing restrictions on the use of land, including easements, covenants, and zoning district boundary lines.

Section 14.09 – Simple Subdivision Review Procedure

A. Review of a Simple Subdivision Plat is a two-step process consisting of a sketch plan conference as required by Section 14.08 hereof and a plat review and approval. After a sketch plan conference, the Planning Board Chair shall act, whether during a Planning Board meeting or not, to approve; conditionally approve with modifications; disapprove; or grant final approval. In any event, final approval cannot be granted until an official map prepared by a surveyor licensed by New York State has been presented to the Zoning Officer and Planning Board Chair, and such map indicates that all requirements of the Village of Aurora Zoning Law have been satisfied. Final approval of the Simple Subdivision by the Planning Board Chair shall be indicated by the Chair's signature and date on the final survey map. The required number of copies of the final survey map for signature shall be determined by the Planning Board Chair during the sketch plan conference.

Section 14.10 – Minor Subdivision Review Procedure

A. Review of a Minor Subdivision Plat is a two-step process consisting of a sketch plan conference as required by Section 14.08 hereof and a plat review and approval. A Minor Subdivision Plat review shall include an environmental review in accordance with NYS SEQR requirements and shall be conducted by the Planning Board.

1. Environmental Review. The environmental review is conducted to determine if the project, as proposed, would result in any significant adverse environmental impact and to identify design modifications that would mitigate potential adverse environmental impacts identified. Unless overriding circumstances exist, the Planning Board shall serve as the lead agency for conducting the environmental review on all subdivision proposals.
2. The Planning Board will review the Minor Subdivision Plat taking into account staff reports and the comments of the Village Engineer and involved and interested agencies to which the plat was referred. The Planning Board may then refer the applicant to appropriate officials or agencies to resolve any issues of design or legal requirements of the respective agencies.

B. Submission of Application. Within six (6) months after the sketch plan conference and the classification of a Sketch Plan as a Minor Subdivision by the Zoning Officer and Planning Board, the applicant shall submit an application for approval of a Minor Subdivision Plat. Failure to do so shall require resubmission of the Sketch Plan to the Zoning Officer and Planning Board for reclassification. The Minor Subdivision Plat shall conform to the layout shown on the Sketch Plan as well as incorporate any recommendations made during the sketch plan conference. The application shall also conform to the requirements listed in Section 14.10, C below.

1. Upon receipt of all the information required herein, the Planning Board shall place the application on the agenda of the next meeting of the Board when such application is received in the Village Clerk's office at least ten (10) business days before the next regular meeting. The Planning Board shall determine at that meeting if the application is complete. Applications shall include:
 - a. A complete application form and copies of the Minor Subdivision Plat. The required number of copies of the plat shall be determined by the Planning Board Chair during the sketch plan conference.
 - b. Supplemental information as required including SEQR documents.
 - c. The application fee established by resolution of the Village Board of Trustees and may be amended from time to time by resolution of the Village Board of Trustees. The application fee shall be used to cover part of the cost of the subdivision review process,

including administrative costs such as public hearing notices, inspections, communications, etc.

- C. Requirements for Minor Subdivision Plat Review. A Minor Subdivision Plat Application shall include the following information and any other information listed in Section 14.11, C if the Planning Board deems such information necessary:
1. A copy of such covenants or deed restrictions that are intended to cover all or part of the tract.
 2. An actual field survey of the boundary lines of the tract, giving complete descriptive data by bearings and distances, made and certified by a licensed land surveyor. The corner of each tract shall also be located on the ground and marked with an approved pin, pipe, or monument and shall be referred to and shown on the plat.
 3. The proposed lot lines with the approximate dimensions and area of each lot.
 4. All on-site sanitation and water supply facilities (if any) shall be designed to meet the specifications of the Cayuga County Health Department; approval shall be stated on the plat and signed by an officer of the Cayuga County Health Department.
 5. The proposed subdivision name (if any), and the names of the Village and County in which it is located.
 6. The date, a true-north arrow, the map scale, and the names, mailing addresses, email addresses and phone numbers of all owners of record and the applicant.
 7. The Minor Subdivision Plat shall be a clear, legible reproduction that meets the standards for filing with the Cayuga County Clerk as prescribed by law.
- D. Applicant to Attend Planning Board Meeting on Minor Subdivision Plat. The applicant, or a duly authorized representative, shall attend the meeting of the Planning Board at which a Subdivision Plat is discussed.
- E. Public Hearing on Minor Subdivision Plat. If required by the Planning Board, a public hearing shall be held within sixty-two (62) calendar days of the date of submission of required materials. The hearing shall be advertised in the official newspaper of the Village at least ten (10) business days before such hearing. If no public hearing is required, the Planning Board shall have sixty-two (62) calendar days from the date of submission to make its decision. When an applicant is notified of the public hearing date, the applicant shall be required to obtain signage, provided by the Planning Board, and obtained from the Zoning Officer. The applicant shall post this signage at the site, in such a manner as to be readily visible to the public from the nearest adjacent public road, at least ten (10) business days prior to the public hearing
- F. Action on Minor Subdivision Plat.
1. The Planning Board shall, within sixty-two (62) calendar days of the conclusion date of the public hearing, act to conditionally approve; conditionally approve with modification; disapprove; or grant final approval to and authorize the signing of the Final Subdivision Plat by the Planning Board Chair. This time may be extended by mutual consent of the applicant and the Planning Board. Failure of the Planning Board to act within such time, in the absence of a mutually agreed upon extension, shall constitute approval of the plat.
 2. Upon granting conditional approval with or without modification to the plat, the Planning Board shall empower the Planning Board Chair to sign the plat upon compliance with such conditions and requirements as may be stated in the Board's resolution of conditional approval.

3. Within five (5) business days of the resolution granting conditional approval, the plat shall be certified by the Chair of the Planning Board as conditionally approved; a copy shall be filed in the Village Clerk's office; and a certified copy shall be mailed to the applicant. The copy mailed to the applicant shall include a certified statement of such requirements as, when completed, will authorize the signing of the conditionally approved plat.
4. Upon completion of the requirements in the resolution of approval, the plat shall be signed by the Chair of the Planning Board. Conditional approval of the plat shall expire 180 calendar days after the date of the resolution granting such approval. The Planning Board may, however, extend the time within which a conditionally approved plat may be submitted for signature, if in its opinion such extension is warranted in the circumstances. Such extension is not to exceed two additional periods of ninety (90) calendar days each.

Section 14.11 – Major Subdivision Preliminary Plat Review Procedure

- A. Review of a Major Subdivision Plat is a three-step process consisting of a sketch plan conference as required by Section 14.08 hereof, a preliminary plat review and approval, and a final plat review and approval. A Major Subdivision Plat review shall include an environmental review in accordance with NYS SEQR requirements and shall be conducted by the Planning Board.
 1. Environmental Review. The environmental review is conducted to determine if the project, as proposed, would result in any significant adverse environmental impacts and to identify design modifications that would mitigate the potential adverse environmental impacts identified. Unless overriding circumstances exist, the Planning Board shall serve as the lead agency for conducting the environmental review on all subdivision proposals.
 2. The Planning Board will review the Major Subdivision Plat taking into account staff reports and the comments of the Village Engineer and involved and interested agencies to which the plat was referred. The Planning Board then may refer the applicant to appropriate officials or agencies to resolve any issues of design or legal requirements of the respective agencies.
- B. Submission of Application. Within twelve (12) months after the sketch plan conference and the classification of a Sketch Plan as a Major Subdivision by the Zoning Officer and Planning Board, the applicant shall submit an application for approval of a Major Subdivision Plat. Failure to do so shall require resubmission of the Sketch Plan to the Zoning Officer and Planning Board for reclassification. The Major Subdivision Plat shall conform to the layout shown on the Sketch Plan as well as incorporate any recommendations made during the sketch plan conference. The application shall also conform to the requirements listed in Section 14.11, C below.
 1. Upon receipt of all the information required herein, the Planning Board shall place the application on the agenda of the next meeting of the Board when such application is received in the Village Clerk's office at least ten (10) business days before the next regular meeting. The Planning Board shall determine at that meeting if the application is complete. Applications shall include:
 - a. A complete application form and copies of the Major Subdivision Plat printed full size and a digital copy in .pdf format on a CD or other acceptable device. The required number of copies of the plat shall be determined by the Planning Board Chair during the sketch plan conference.
 - b. All copies of the Preliminary Plat shall be clearly marked with the words "Preliminary Subdivision Plat". The Preliminary Plat shall, in all respects, comply with the requirements set forth in the provisions of the New York State Village Law Article 7,

§7-728 and Section 14.11, C of these regulations, except where a waiver may be specifically authorized by the Planning Board.

- c. All documents showing construction details of proposed improvements, any supporting materials or engineering reports and a completed environmental assessment form or, if required, a draft environmental impact statement.
 - d. The application fee established by resolution of the Village Board of Trustees and may be amended from time to time by resolution of the Village Board of Trustees. The application fee shall be used to cover part of the cost of the subdivision review process, including administrative costs such as public hearing notices, inspections, communications, etc.
2. The date of submission of the Preliminary Plat shall be considered to be the date on which the Zoning Officer, accepts as complete the Preliminary Plat and all data and materials required by Section 14.11, C hereof. The Zoning Officer shall note the date of submission on the Preliminary Plat.
- C. Requirements for Major Subdivision Preliminary Plat Review. Preliminary Plat maps shall be drawn at a scale of not more than one hundred (100) feet to the inch and shall include the following information:
1. All Subdivision Plat sheets shall include the proposed subdivision name or identifying title, the names of the Village and County in which it is located; North arrow, scale of the map, the date prepared; the names, mailing addresses, email addresses and phone numbers of all the owners of the property, or the owner's agent if applicable, the applicant, and the registered engineer, surveyor or architect responsible for the plan including license number(s) and seal(s).
 2. The names of the owners of record of all adjacent properties and the names of all adjacent subdivisions.
 3. The zoning district, including exact boundary of districts, where applicable.
 4. The proposed lot lines with the approximate dimensions and area of each lot.
 5. All playgrounds, public buildings, public areas and parcels of land proposed to be dedicated or reserved for public use and the condition of such dedication. The Planning Board shall require the plan to show land for parks, playgrounds, and/or open space of at least one-half (½) acre per ten (10) lots. Where the land area shown on said plan for such public sites exceeds the amount required, such additional land shall be reserved for a period of one (1) year to permit said land to be acquired by the appropriate public body.
 6. The locations of all existing property lines, easements and rights-of-way, and the purpose for which the easements or rights-of-way have been established.
 7. The location of all existing buildings, including dimensions and setbacks, watercourses, marshes, rock outcrops, wooded areas, tree masses and other significant natural features.
 8. The locations of existing sewers, water mains, culverts, and drains on the property, with pipe sizes, grades, and direction of flow.
 9. Contours at vertical intervals of five (5) feet or less as required by the Planning Board, including elevations on existing roads, and an approximate grading plan if natural contours are to be changed more than two (2) feet. Data to which contour elevations refer. Where reasonably practicable, data shall refer to known, established elevations.
 10. The location of all existing streets on or adjacent to the tract, including name, right-of-way width and pavement width, shown on the Official Map of the Village of Aurora within the

area to be subdivided, and the location, width, grades and street profiles of all streets, alleys or public ways proposed by the developer.

11. The location and width of all proposed sidewalks, rights-of-way and easements.
12. The approximate location and size of all proposed water lines, valves, hydrants, sewer lines, and fire alarm boxes. Connection to existing lines or alternate means of water supply or sewage disposal and treatment as provided in standards established by the Cayuga County Health Department. Show profiles of all proposed water and sewer lines.
13. All requirements as specified in local laws of the Village of Aurora governing stormwater runoff; a stormwater management plan indicating the approximate location, construction and size of swales; and proposed lines and their profiles. Ramification of connections to existing or alternate means of disposal.
14. Preliminary grading plan. The developer shall submit a preliminary grading plan of the site with the preliminary plan submission.
15. Plans and cross-sections showing the proposed new location and types of sidewalks, street lighting standards, street trees, curbs, water mains, sanitary sewers and storm drains, and the size and type thereof; the character, width and depth of pavements and sub-base; the location of manholes, basins, and underground conduits. New features must comply with the Subdivision Design Standards found in Section 14.22 hereof.
16. Preliminary designs of any bridges or culverts which may be required.
17. Where the topography is such as to make difficult the inclusion of any of the required facilities within the public areas as laid out, the Preliminary Plat shall show the boundaries of proposed permanent easements over or under private property, which permanent easements shall not be less than twenty (20) feet in width, and which shall provide satisfactory access to an existing public highway or other public open space shown on the subdivision or the Official Map.
18. An actual field survey of the boundary lines of the tract, giving complete descriptive data by bearings and distances, made and certified to by a licensed land surveyor. The corners of the tract shall also be located on the ground and marked with an approved pin, pipe or monument as approved by the Village Board of Trustees, and shall be referred to and shown on the plat.
19. A landscape architect or the developer shall prepare a landscape plan in accordance with the requirements of Article X of this Local Law. Each tree shall and/or significant planting be identified in a planting plan and diagram.
20. Accompanying Documents. The preliminary plan shall include thereon or be accompanied by:
 - i. Affidavit. The surveyor or engineer shall submit affidavit that the survey presented is a true and correct transit boundary and topographic survey conducted on the site by that surveyor or engineer.
 - ii. Proposed deed restrictions. Copies of proposed deed restriction, if any, shall be attached to the preliminary plan.
 - iii. Sketch of street layout. Where the preliminary plan covers only a part of the subdivider's entire holdings, a sketch shall be submitted of the prospective street layout for the remainder of the parcel. This map shall be drawn at a scale of one-inch equals two-hundred feet (1" = 200') and shall show an outline of the platted area with its proposed streets, and an indication of any probable future street system with its grades

and drainage in the remaining portion of the tract, and any probable future drainage layout of the entire tract.

- D. Applicant to Attend Planning Board Meeting. The applicant, or a duly authorized representative, shall attend the meeting of the Planning Board to discuss the Preliminary Plat.
- E. Study of Major Subdivision Preliminary Plat. The Planning Board shall study the practicability of a Preliminary Plat, taking into consideration the requirements of the community and the best use of the land being subdivided. Particular attention shall be given to the arrangement, location, and width of streets, their relation to the topography of the land, water supply, sewage disposal, drainage, lot sizes and arrangement, the future development of adjoining lands as yet un-subdivided, and the requirements of the Village of Aurora Comprehensive Plan, the Official Map, and Zoning Regulations.
- F. Public Hearing on Major Subdivision Preliminary Plat.
 - 1. Within sixty-two (62) calendar days of the Date of Submission of a Preliminary Plat marked as complete by the Planning Board, the Planning Board shall hold a public hearing. When an applicant is notified of the public hearing date, the applicant shall be required to obtain signage provided by the Planning Board by way of the Zoning Officer and to post it at the site, in such a manner as to be readily visible to the public from the nearest adjacent public road, at least ten (10) business days prior to the public hearing. The public hearing shall be advertised at least once in the official newspaper of the Village at least ten (10) business days before such hearing. The Planning Board may provide that the hearing be further advertised in such manner as it deems most appropriate for full public consideration of such Preliminary Plat.
- G. Planning Board Approval of Preliminary Plat.
 - 1. Within sixty-two (62) calendar days of the date of the conclusion of the public hearing, the Planning Board shall approve with or without modification, or disapprove the Preliminary Plat; and the grounds for a modification, if any, or the grounds for disapproval shall be stated upon the records of the Planning Board. The time in which the Planning Board must take action on such plat may be extended by written mutual consent of the applicant and the Planning Board. Failure of the Planning Board to act within such time, in the absence of a mutually agreed upon extension, shall constitute approval of the Preliminary Plat.
 - 2. Conditional Approval of Preliminary Plat. When granting approval to a Preliminary Plat, the Planning Board shall state the terms of such approval, if any, with respect to:
 - a. Modifications to the Preliminary Plat.
 - b. The character and extent of the required improvements for which waivers may have been requested and which in its opinion may be waived without jeopardy to the public health, safety, and welfare.
 - c. The required improvement or the amount of all bonds therefore which it will require as prerequisite to the approval of the Final Subdivision Plat.
 - 3. Effect of Approval of Preliminary Plat. Approval of a Preliminary Plat shall not constitute approval of the Final Subdivision Plat, but rather it shall be deemed an expression of approval of the design submitted on the Preliminary Plat as a guide to the preparation of the Final Subdivision Plat, which will be submitted for approval of the Planning Board and for recording upon fulfillment of the requirements of these regulations. When approving a Preliminary Plat, the Planning Board shall state in writing the modifications, if any, it deems necessary for submission of the plat in final form. Within five (5) business days of the approval of such Preliminary Plat, it shall be certified by the Planning Board Chair as

having been granted preliminary approval, and a copy shall be filed with the Village Clerk, a certified copy shall be mailed to the owner, and a copy shall be forwarded to the Zoning Officer. Prior to approval of the Final Subdivision Plat, the Planning Board may require additional changes as a result of further study of the subdivision in final form or as a result of new information obtained at the public hearing.

Section 14.12 – Major Subdivision Final Plat Application

A. Purpose. This step provides for a refinement of information submitted in the Preliminary Plat review procedure through submission of additional information about site design and improvements. This information permits the Planning Board and the Village Engineer to make decisions concerning the appropriateness of the proposed Major Subdivision. Some important considerations include but are not limited to:

1. Conditions of the preliminary plat approval.
2. Mitigating measures identified during the environmental review.
3. Offers of dedication of land for open space and recreation, or of new public roads.
4. Requirements of involved agencies.
5. Drainage considerations.
6. Water metering during construction.
7. Phasing of the proposed project if the project is to be phased.
8. Surety for improvements.

B. Submission of Application. Within six (6) months after the approval of a Preliminary Plat, the applicant shall submit an application for approval of a Final Subdivision Plat in final form. If the Final Subdivision Plat is not submitted for approval within six (6) months after the approval of the Preliminary Plat, the Planning Board may refuse to approve the Final Subdivision Plat and require resubmission of the Preliminary Plat.

1. Applications shall be submitted to the Zoning Officer at least two weeks in advance of the next regularly scheduled Planning Board meeting; and shall include:
 - a. A complete application form; one (1) original paper copy with original signatures and professional seals in ink of the Final Major Subdivision Plat printed full size; copies of the Final Major Subdivision Plat printed full size; the original and one (1) copy of all offers of cession, covenants and agreements; copies printed full size of all construction drawings; and a digital copy in .pdf format of all materials listed above on a CD or other acceptable device. The required number of copies of the final plat and construction drawings shall be determined by the Planning Board at the time of Preliminary Plat approval.
 - b. All copies of the Final Plat shall be clearly marked with the words “Final Subdivision Plat”.
 - c. The application fee established by resolution of the Village Board of Trustees and may be amended from time to time by resolution of the Village Board of Trustees. The application fee shall be used to cover part of the cost of the subdivision review process, including administrative costs such as public hearing notices, inspections, communications, etc.
2. Requirements for Major Subdivision Final Plat Review. The Final Plat maps shall include the following information:

- a. Proposed subdivision name or identifying title as well as the names of the Village and County in which the subdivision is located; the names and addresses of the owners of record and of the applicant; and the name, license number and seal of the New York State registered and licensed professional engineer, architect or surveyor responsible for the plan.
- b. A box or space next to the subdivision title for the Planning Board to affix its approval or denial.
- c. Sufficient data acceptable to the Zoning Officer to readily determine the location, bearing and length of every street line within and adjacent to the subdivision, lot line and boundary line, rights-of-way, easements, building setback lines for each parcel, and each area proposed to be dedicated to public use as sufficient to reproduce such lines upon the ground. Where applicable, these should be referenced to monuments included in the State Plane Coordinate System, and in any event should be tied to reference points previously established by a public authority.
- d. The length and bearing of all straight lines, radii, lengths of curves, central angles of curves, and tangent bearings shall be given for each street. All dimensions shall be shown in feet and in hundredths of a foot. The plat shall show the north arrow, graphic scale, date, and boundaries of the property.
- e. The plat shall also show by proper designation thereon all public open spaces for which deeds are included and those spaces whose title is reserved by the developer. For any of the latter there shall be submitted with the Final Subdivision Plat copies of agreements or other documents showing the manner in which such areas are to be maintained and the provisions made therefore.
- f. Description of streets and other public property to be dedicated to the Village.
- g. Location and width of private driveways emanating from corner lots. Names of streets within and adjacent to the subdivision, names of any adjoining subdivisions, and the names of the owners of any unplotted adjacent land.
- h. Lots and blocks within a subdivision shall be numbered or lettered in alphabetical order in accordance with the prevailing Village practice.
- i. Permanent reference monuments shall be shown and shall be constructed in accordance with specifications of the Village Engineer. When referred to the State Plane Coordinate System they shall also conform to the requirements of the State Department of Transportation. They shall be placed as required by the Village and their location noted and referred to upon the Final Plat.
- j. All lot corner markers shall be permanently located in a way satisfactory to the Village Engineer.
- k. Pins, pipes or monuments of a type approved by the Village Board of Trustees shall be set at all corners and angle points of the boundaries of the original tract to be subdivided, and at all street intersections, angle points in street lines, points of curve, and such intermediate points as shall be required by the Village Engineer.
- l. Construction drawings, including plans, profiles and typical cross-sections as required, showing the proposed location, size, and type of streets, sidewalks, street lighting standards, street trees, curbs, water mains, sanitary sewers and storm drains, pavements and sub-base, manholes, catch basins and other facilities.
- m. Accompanying Documents. The Final Plat shall include thereon or be accompanied by:

- i. An affidavit that the subdivider of the land proposed to be subdivided is the owner or his agent.
 - ii. Certification by the Village Engineer that the installation of water, sewer and street facilities is both practical and feasible.
 - iii. Certification by the State Department of Health and/or Cayuga County Department of Health when individual sewage disposal or water systems are to be installed.
 - iv. Protective covenants, if any, in form for recording.
 - v. The subdivider shall tender offers of dedication in a form certified as satisfactory by the Village's attorney of all land included in streets, parks and water systems not specifically reserved. Approval of the Final Plat by the Planning Board shall not constitute an acceptance by the Village of the dedication of any street, park or other open public areas.
 - vi. Liability Insurance. The developer shall present a Certificate of Liability Insurance to protect the municipality with coverage of at least two million dollars (\$2,000,000.00). The insurance shall be of such duration until the project is completed and the public improvements are accepted by the municipality. A copy of the insurance policy shall remain at all times at the Village Clerk's Office.
 - vii. Title Insurance. The developer must provide evidence of title insurance in the amount of not less than the cost of lands to be dedicated as shown and approved on the Final Plat.
- C. Compliance with Requirements. Final Plat and supporting data shall comply with the provisions of these regulations. Failure to do so shall mean the Planning Board cannot act on the proposal.
- D. Conformity to Preliminary Plat. The Final Plat shall conform in all important respects to the Preliminary Plat as previously reviewed by the Planning Board and shall incorporate all modifications and revisions specified by the Planning Board in its conditional approval of the Preliminary Plat. Otherwise, the plan shall be considered as a new Preliminary Plat.

Section 14.13 – Endorsement of State and County Agencies

- A. Applications for approval on plans for sewer or water facilities shall be filed by the applicant with all necessary Village, County, and State agencies. Endorsement and approval by said agencies shall be secured by the applicant prior to official submission of the Final Subdivision Plat for approval by the Planning Board.

Section 14.14 – Required Improvements

- A. Surety. Before the Planning Board grants final approval of a Major Subdivision Final Plat, the applicant shall follow the procedure set forth in either Section 14.14, B or Section 14.14, C below.
- B. Full Cost Check or Bond. In an amount set by the Planning Board, the applicant shall either file with the Village Clerk a certified check to cover the full cost of the required public improvements, or the applicant shall file with the Village Clerk a performance bond to cover the full cost of the required improvements. Any such bond shall comply with the requirements of the New York State Village Law Article 7, §7-730, and further shall be satisfactory to the Village Board of Trustees and Village Attorney as to form, sufficiency, manner of execution, and surety. A period of one (1) year, or such other period as the Planning Board may determine appropriate, not to exceed three (3) years, shall be set forth in the bond as the time within which required improvements must be completed.

- C. Check or Bond for Completion. The applicant shall complete all required improvements to the satisfaction of the Zoning Officer, who shall file with the Planning Board a letter signifying the satisfactory completion of all improvements required by the Planning Board. For any required improvements not so completed, the applicant shall file with the Village Clerk a bond or certified check covering the costs of such improvements. Any such bond shall be satisfactory to the Village Board of Trustees and Village Attorney as to form, sufficiency, manner of execution, and surety.
- D. Underground Utilities Map. The required improvements shall not be considered to be completed until the installation of the improvements has been approved by the Village Engineer and a map satisfactory to the Zoning Officer has been submitted indicating the location of monuments marking all underground utilities as actually installed. If the applicant completes all required improvements according to Section 14.14, C hereof, then the map shall be submitted prior to endorsement of the plat by the Planning Board Chair. However, if the applicant elects to provide a bond or certified check for all required improvements as specified in Section 14.14, B hereof, such bond shall not be released until such a map is submitted.
- E. Stormwater Facilities Maintenance Agreement. Applicant must enter into a binding Stormwater Facilities Maintenance Agreement supplied by the Village which shall run with the land and be applicable to such matters of drainage importance as identified by the Village of Aurora and its consulting Engineer.

Section 14.15 – Public Hearing and Review of Final Plat

- A. Public Hearing. The Planning Board must hold a public hearing within sixty-two (62) calendar days of the official submission date. Public notice of the hearing shall be advertised in a newspaper of general circulation in the Village at least ten (10) business days prior but no more than thirty (30) calendar days prior to the date fixed for public hearing. When an applicant is notified of the public hearing date, the applicant shall be required to obtain signage provided by the Planning Board by way of the Zoning Officer and to post it at the site, in such a manner as to be readily visible to the public from the nearest adjacent public road, at least ten (10) business days prior to the public hearing. If, however, the Planning Board deems the final plat to be in substantial agreement with a Preliminary Plat approved under Section 14.11, G hereof; or modified in accordance with the requirements of a conditional approval or approval with modifications, the Planning Board may waive the requirement for such a public hearing.

Section 14.16 – Planning Board Action on Final Plat

- A. Prescribed Time for Action. The Planning Board action shall be by resolution to conditionally approve with or without modification; disapprove; or grant final approval to and authorize the signing of the plat by the Planning Board Chair. Within sixty-two (62) calendar days after the public hearing, if held, the Planning Board must approve or otherwise act on the Final Plat and shall notify the subdivider in writing of its decision within ten (10) business days of the decision. If no public hearing is held, the Planning Board must act within sixty-two (62) calendar days of the official date of submission. This time may be extended by written mutual consent of the applicant and the Planning Board. Failure of the Planning Board to act within such time, in the absence of a mutually agreed upon extension, shall constitute approval of the Final Plat.
- B. Conditional Approval. Upon resolution of conditional approval of a Final Plat, the Planning Board shall empower the Planning Board Chair to sign the plat upon completion of such requirements as may be stated in the resolution. Within five (5) business days of such resolution, the plat shall be certified by the Planning Board Chair as conditionally approved, and a copy given to the Zoning Officer, a copy filed in the Village Clerk's office, and a certified

copy mailed to the applicant. The copy mailed to the applicant shall include a certified statement of such requirements as, when completed, will authorize the signing of the conditionally approved Final Plat.

- C. Certification by Planning Board Chair. Upon completion of such requirements, the plat shall be signed by the Planning Board Chair.
- D. Expiration of Approval. Conditional approval of a Final Plat shall expire one hundred eighty (180) calendar days after the date of the resolution granting such approval unless the requirements have been certified as completed within that time. The Planning Board may, however, extend the time within which a conditionally approved plat may be submitted for signature, if in its opinion such extension is warranted by the circumstances; such extension is not to exceed two (2) additional periods of ninety (90) calendar days each.

Section 14.17 – Final Approval of Subdivision Plat

- A. Signature of Planning Board Chair. Upon completion of the requirements in Sections 14.12 through 14.16 hereof and notation to that effect upon the Final Subdivision Plat, the Final Plat shall be deemed to have final approval and shall be properly signed by the Planning Board Chair. The approved Final Plat shall also be signed by the Cayuga County Health Department and the Cayuga County Real Property Office before it may be recorded with the Cayuga County Clerk.
- B. Prompt Filing. Any Subdivision Plat that is not filed or recorded within thirty (30) calendar days of the date upon which the plat is approved or considered approved by reason of the failure of the Planning Board to act shall become null and void.
- C. Copies of Recorded Plat Submitted to the Village. The applicant shall provide the Village Clerk with three (3) paper copies printed full size and a digital copy in .pdf format on a CD or other acceptable device of the fully endorsed and recorded Final Plat within thirty (30) calendar days of approval and signature by the Planning Board Chair. If the required paper and digital copies of the recorded final plat map(s) have not been submitted within the designated thirty (30) calendar days, the Zoning Officer will not review or issue a building permit until the Village has received the appropriate copies of the recorded final subdivision plat map(s).
- D. Plat Void if Altered After Approval. No changes, erasures, modifications, or revisions shall be made in any Subdivision Plat after approval has been given by the Planning Board and endorsed in writing on the plat, unless the plat is first resubmitted to the Planning Board and the Board approves any modifications. In the event that any such Subdivision Plat is recorded without complying with this requirement, it shall be considered null and void, and the Board shall institute proceedings to have the plat stricken from the records of the County Clerk.

Section 14.18 – Modifications

- A. If, at any time during the construction of required improvements, it is demonstrated to the satisfaction of the Zoning Officer that unforeseen conditions make it necessary to modify the location or design of the required improvements, the Zoning Officer may, upon approval by the Planning Board Chair, authorize modifications, provided that these modifications are within the spirit and intent of the Planning Board's approval and do not extend to the waiver or substantial alteration of the function of any improvements required by the Board. The Zoning Officer shall issue any authorization under this section in writing and shall transmit a copy of such authorization to the Planning Board at its next regular meeting.
- B. Reconsideration. Any subdivider aggrieved by a finding, decision or recommendation of the Planning Board may request and receive opportunity to appear before the Planning Board to

present additional relevant information, and request reconsideration of the original finding, decision or recommendation.

C. Application Procedure.

1. Applications for modification shall be submitted in writing by the subdivider at the time the final plan is filed with the Planning Board. The application shall state fully the grounds and all the facts relied upon by the applicant.
2. Applications for reconsideration shall be submitted in writing by the subdivider not less than ten (10) calendar days in advance of the meeting at which reconsideration is desired.
3. Recording a Modification. In granting a modification, the Planning Board shall record its actions and the grounds for granting the modification in its minutes. A statement showing the date that such modification was granted shall be affixed to the final plan.

Section 14.19 – Inspection of Improvements

- A. Inspection Fee. At least five (5) business days prior to commencing construction of required improvements, an applicant shall pay to the Village Clerk the inspection fee required by the Village and shall notify the Zoning Officer and Village Engineer in writing of the time when the applicant proposes to commence construction of the improvements, so that the Village Engineer may cause inspection to be made to assure that all Village specifications and requirements shall be met during the construction of required improvements, and to assure the satisfactory completion of improvements and utilities required by the Planning Board.
- B. Proper Installation of Improvements. If the Village Engineer finds, upon inspection of the improvements performed before the expiration date of a performance bond, that any of the required improvements have not been constructed in accordance with plans and specifications filed by the applicant, the Village Engineer shall so report to the Zoning Officer and Planning Board. The Village then shall notify the applicant and, if necessary, the bonding company, and take all necessary steps to preserve the Village's rights under the bond. No additional Subdivision Plat shall be approved by the Planning Board as long as the applicant is in default on a previously approved Subdivision Plat.

Section 14.20 – Public Streets and Recreation Areas

- A. Public Acceptance of Roads. The approval by the Planning Board of a Subdivision Plat shall not be deemed to constitute or be evidence of any acceptance by the Village of any road, easement, or other open space shown on the Subdivision Plat.
- B. Ownership and Maintenance of Recreation Areas. When a park, playground, or other recreation area has been shown on a Subdivision Plat, approval of the plat shall not constitute an acceptance by the Village of the recreation area. The Planning Board shall require the plat or licensed survey map to be endorsed with approved and appropriate restrictions and disclaimers to this effect. The Planning Board may also require the filing of a written agreement between the applicant and the Village Board of Trustees covering future deed and title, dedication, and provision for the cost of grading, development, equipment, and maintenance of any such recreation area.

Section 14.21 – Cluster Subdivisions

- A. Purpose. The Village Board of Trustees of the Village of Aurora finds that the topography and environmental sensitivities of certain parcels in the Village do not lend themselves to the conventional development as designated by their current zoning. Therefore, the purpose of this Section is to enable and encourage flexibility of design in housing and the development of land in such manner as to permit the most appropriate use of land, to preserve the natural, scenic,

and ecological qualities of environmentally sensitive areas and to provide larger areas of open space, both for recreation and for environmental conservation purposes pursuant to the provisions of New York State Village Law Article 7, §7-738.

B. Objectives. Among the objectives which should be achieved through the use of clustered housing are the following:

1. The creative use of land so as to establish a more desirable living environment than would be possible through the strict application of certain Village zoning standards.
2. The preservation of surface water, wetlands, steep slopes, hilltops, ridgelines, major stands of trees, outstanding natural topography, and glaciated features. Other areas to be preserved include areas of scenic and ecological values, including open spaces and other environmentally sensitive areas.
3. To prevent soil erosion, minimize negative environmental impacts and control development in flood hazard areas.
4. To encourage innovation through flexibility in design and layout of residential housing consistent with the intent of this Article by permitting housing units to be clustered without increasing overall site density.
5. To permit housing developments that reflect the legislative intent of New York State Village Law Article 7, §7-738.
6. To create housing development that is in harmony with the character of the area and the environmental sensitivities of the site.

C. Statutory Authority and Conditions. In accordance with New York State Village Law Article 7, §7-738, the Village Board of Trustees authorizes the Planning Board to approve Cluster Subdivisions simultaneously with the approval of a plat or plats in the Agricultural/Residential (AR), Residential (R), and Mixed-Use (MU) Zoning Districts of the Village of Aurora; and to grant variations to the dimensional standards (area) of the Zoning Law, concurrent with the approval of plats for Cluster Subdivision subject to the conditions set forth in New York State Village Law Article 7, §7-738. The Planning Board is also authorized, at its discretion, to require the owner to submit an application for Cluster Subdivision subject to criteria established by this Article whether or not the owner makes application for a Cluster Subdivision project.

D. Conditions.

1. A Cluster Subdivision shall result in a permitted number of building lots or dwelling units which shall in no case exceed the number which could be permitted, in the Planning Board's judgment, if the land were subdivided into lots conforming to the minimum lot size and density requirements of the zoning regulations applicable to the district or districts in which such land is situated and conforming to all other applicable requirements; provided, however, that where the plat falls within two or more contiguous districts, the Planning Board may approve a Cluster Subdivision representing the cumulative density as derived from the summing of all units allowed in all such districts, and may authorize actual construction to take place in all or any portion of one or more of such districts.
2. Project density shall be based only upon the amount of usable land which is available for development. In computing the usable or developable land, any land situated in a flood hazard area; having slopes in excess of 20%; officially designated freshwater wetlands; lands occupied by public utilities, structures, drainage control areas or rights-of-way; or otherwise unsuitable for development shall not be considered part of the gross area.

3. The Planning Board, as a condition of plat approval, may establish such conditions on the ownership, use, and maintenance of such open lands shown on the plat as it deems necessary to assure the preservation of the natural and scenic qualities of such open lands. The Village Board of Trustees may require that such conditions shall be approved by the Village Board of Trustees before the plat may be approved for filing.
4. The plat showing the Cluster Subdivision shall include, in addition to information identified during a pre-application conference in accordance with Section 14.08 and Section 14.11, the areas within which structures may be located; the height and spacing of buildings; open spaces and their landscaping; off-street open and enclosed parking spaces; streets and driveways; and any other features required by the Planning Board. The dwelling units permitted may, at the discretion of the Planning Board, be in detached, semi-attached, or attached structures.

E. Maintenance of Open Lands.

1. Intent. Open spaces are an inherent part of Cluster Subdivisions; therefore the Village must take special measures for the protection and regulation of these areas and to provide for a system of their permanent maintenance.
2. Submission Requirements. At the Preliminary Plat stage, the developer shall submit a detailed proposal for maintenance of common lands and/or open spaces. The Planning Board may approve or approve with conditions any plans for maintenance of common areas and/or open spaces. Any conditions imposed for maintenance of open space and/or common lands shall become part of the conditions for Final Plat approval.
3. Dedication of Lands. If the open spaces are to be offered for dedication to the Village, the Planning Board shall refer such offers and related details to the Village Board of Trustees for the necessary action prior to Final Plat approval.
4. Property Owners' Association. If open spaces are not to be dedicated to the Village, the applicant must create a property owners' association and receive approval of the Office of the New York State Attorney General pursuant to state law.

F. Alternative Means of Maintenance of Open Lands. The following methods will be considered alternate means to maintain open spaces:

1. In the case of single ownership of the Cluster Subdivision by a sole owner, partnership, corporation or other legal means, deed restrictions protecting open spaces from further development may be submitted to the Village Attorney for review and to the Village Board of Trustees for acceptance.
2. Any alternative methods for protection and preservation of open lands and common areas shall be submitted at the Preliminary Plat stage to the Planning Board for review and subsequent approval by the Village Board of Trustees. All alternate proposals shall be submitted to the Village Attorney for review and comment. The Planning Board or Village Board of Trustees may require any additional information it deems necessary to conduct an adequate review of the alternate proposals.

G. Review Procedure. The review, approval process, and information requirements for a Cluster Subdivision shall be conducted pursuant to the Major Subdivision process procedures in Section 14.11 through Section 14.17 hereof.

1. Notice and Public Hearing. The proposed Cluster Subdivision shall be subject to review at a public hearing or hearings held pursuant to the requirements for Major Subdivision approval as set forth in Section 14.11 through Section 14.17 hereof.

2. Filing of Plat. The filing of an approved Cluster Subdivision plat shall be in accordance with Section 14.17 hereof.
3. Effect. The provisions of this section shall not be deemed to authorize a change in the permissible use of such lands as provided in the Village of Aurora Zoning Law or any Local Law applicable to such lands.

Section 14.22 – General Requirements and Design Standards

A. In considering applications for subdivision of land, the Planning Board shall be guided by the following principles and the standards set forth in Sections 14.22, B through 14.22, H hereof. These standards shall be considered minimum requirements and shall be waived by the Planning Board only under circumstances set forth in Section 14.23 hereof. In addition, the following criterion shall be followed:

1. Character of Land. Land to be subdivided shall be of such character that it can be used safely for building purposes without danger to health or peril from fire, flood, or other menace. Areas characterized by steep (10% and over) slopes, rock formations, gullies, all wetlands, and other features, shall not be subdivided into residential lots.
2. Efficient Use of Land. The layout of the subdivision would establish lots that make efficient use of land by avoiding lot layouts which are excessively long and narrow, minimize the number of access points (driveways) to the public road network, and minimize the need to alter the physical and natural features of the site. Layouts that include one or more parcels subdivided out of the center of a larger lot or that create land locked parcels shall be avoided.
3. Conformity with the Village of Aurora Official Map and Comprehensive Plan. Subdivisions shall conform to the Official Map of the Village of Aurora and shall be in harmony with the Village of Aurora Comprehensive Plan.
4. Nothing in these regulations or in the approval of a subdivision by the Planning Board shall be construed to obligate the Village to bear the expense of the installation of off-site improvements unless approved by the Village Board of Trustees.

B. Considerations for Lots.

1. Lots Shall Be Buildable. The lot arrangement shall be such that in constructing a building in compliance with zoning law, there will be no foreseeable difficulties for reasons of topography or other natural conditions. Lot sizes and dimensions shall not be less than those specified in Section 5.01, B of this Local Law.
2. Frontage. All lots shall front upon a public street. Access from private roads shall be deemed acceptable only if such roads are designed and improved in accordance with these regulations.
3. Side Lot Lines. Side lot lines shall be at right angles to straight road lines and radial to curved street lines, unless a variance from this rule will give a better road or lot plan.
4. Corner Lots. In general, corner lots should be larger than interior lots to provide for proper building setback from each street and provide a desirable building site, and to avoid obstruction of free visibility at the roadway intersection.
5. Through Lots. Through lots shall provide vehicular access to secondary streets.
6. Driveway Access. Driveway access and grades shall conform to the Village Department of Public Works standards; and shall be approved by the Village Highway Superintendent or the Village Engineer.

7. Monuments and Lot Corner Markers. Monuments and lot corner markers shall be permanent monuments meeting specifications approved by the Village Board of Trustees as to size, type, and installation; they shall be set at such block corners, angle points, points of curves in streets and other points as the Village Highway Superintendent or the Village Engineer may require; and their location shall be shown on the Subdivision Plat. More specifically:
 - a. Monuments shall be set at the intersection of all lines forming angles in the boundary of the subdivision. Monuments may be of the following types:
 - i. cut stone five inches by five inches by three feet (5" x 5" x 3') long, with a drill hole in the center;
 - ii. concrete five inches by five inches by three feet (5" x 5" x 3') long with a one-half inch (1/2") round brass pin in the center; or
 - iii. non-corrosive metal rod one inch (1") in diameter, three feet (3') deep, with a brass cap and a one-half (1/2") deep round hole in the center.
 - b. Monuments shall be placed by the subdivider so that the score or marked point shall coincide exactly with the intersection of the lines to be marked and shall be set so that the top of the monument is level with the surface of surrounding ground.
 - c. Markers shall be set at the beginning and ending of all curves along street property lines, at all points where lot lines intersect curves, either front or rear; at all angles in property lines of lots, at all corner lots. Markers shall consist of a steel bar at least twenty-four inches (24") long and not less than three-quarters inch (3/4") in diameter. Markers shall be set so that the top is level with the surface of the surrounding ground.
8. Tests of Adequacy of Lots. Where either or both water supply and sanitary sewage disposal are provided by individual on-lot facilities, and evidence indicates that the requirements of the Zoning Law are not adequate, the Planning Board may require tests, in accordance with the rules and regulations of the State Department of Health and/or Cayuga County Department of Health, undertaken at the expense of the developer, to determine the adequacy of the proposed lot size and existing grade and soil conditions. In all such cases where the tests indicate a larger lot size to be necessary, the Planning Board may employ the services of a registered and qualified independent sanitary engineer to design a system to prevent unsanitary conditions and hazards to the public health. In such cases, the cost of retaining the services of a qualified engineer shall be borne by the developer.
9. Review to Prevent Health Hazards in Commercial Subdivisions. Where commercial subdivisions are proposed to be served by either or both on-lot sanitary sewage disposal and water supply facilities, the lot area and dimensions required to prevent health hazards shall be subject to individual review and determination by the Planning Board, New York State Department of Health and/or Cayuga County Department of Health.
10. Remnants of Land, Disposition. If remnants of land exist after subdividing, they shall be incorporated in existing or proposed lots, or dedicated to public use if acceptable to the Village.
11. Parcels for Non-Residential Use: Depth, Width. Depth and width of parcels laid out or reserved for non-residential use shall be sufficient to provide satisfactory space for off-street parking and unloading.
12. Lot Grading. Lots shall be graded so that water drains away from each building at a minimum grade of two percent (2%). Surface drainage swales shall have a minimum grade of one-half percent (0.5%) and shall be designed so that surface water will drain into a road

gutter, storm sewer, drain inlet or natural drainage way. The minimum grades of driveways shall be four-tenths percent (0.4 %) and a maximum of eight percent (8%).

- a. Top-soil. If grading results in the stripping of top-soil, the top-soil shall not be removed from the site or used as spoil and shall be uniformly spread over lots as grading is finished. Top-soil shall be of sufficient depth to support vegetation.
- b. Trees. As many trees of a given size as can be utilized in the final development plan shall be retained.

C. Dimensions of Blocks.

1. The length, width and shape of blocks shall be determined with due regard to the provision of adequate sites for buildings of the type proposed; zoning requirements; topography; and requirements for safe and convenient vehicular and pedestrian circulation.
 - a. Length. Blocks shall have a minimum length of five hundred fifty (550) feet and a maximum length of nine hundred (900) feet. In the design of blocks longer than eight hundred (800) feet, special consideration shall be given to the requirements of satisfactory fire protection.
 - b. Depth of Residential Blocks. Residential blocks shall be of sufficient depth to accommodate two (2) tiers or lots, except where reverse frontage lots are used.
 - c. Pedestrian Interior Walks. Pedestrian interior walks may be required to assist circulation or provide access to community facilities. Such walks shall have a width of not more than ten (10) feet and a paved walk of not less than five (5) feet.
2. Block grading shall be as follows:
 - a. A ridge along rear lot lines shall drain into the roads;
 - b. Parts of all lots shall drain to the front or rear lot lines.

D. Easements.

1. Dimensions. Easements with a minimum width of twenty (20) feet plus the width of any required pipe or other improvement shall be provided as necessary for utilities.
2. Location. To the fullest extent possible, easements shall be centered on or adjacent to rear or side lot lines.
3. Drainage Easement. Easements for drainage purposes shall be a minimum of twelve (12) feet in width. Where the watercourse is large, easement widths shall be increased as determined by the Village Engineer. Easements shall be shown on the plan and deeds and shall cover all existing or reconstructed watercourses. The subdivider shall pay any cost incurred.
4. Utility Easements. Where topography is such as to make impractical the inclusion of utilities within the road rights-of-way, easements shall be otherwise provided, subject to the following:
 - a. Easements shall be perpetually unobstructed and at least twenty (20) feet in width plus the width of any required pipe or other improvement with satisfactory access to the road.
 - b. Wherever possible, easements shall be continuous from block to block and shall present as few irregularities as possible. Such easements shall be cleared and graded where required.

E. Street System.

1. Minimum improvements and construction standards required of all subdivision streets shall be as set forth in this Section. Where not set forth, they shall be in accordance with the prevailing standards of the New York State Department of Transportation regulations. Alternate improvement standards may be permitted if the Village Board of Trustees recommends them and the New York State Department of Transportation staff deems them equal or superior in performance characteristics to the specified improvements. Additional or higher type improvements may be required in specific cases where the Planning Board believes it necessary to create conditions essential to the health, safety, and general welfare of the citizens of the Village.
 - a. Design standards and required improvements may be examined at the Village Clerk's Office.
2. Statement of Acceptance. All roads that are to be dedicated as public roads must comply with the standards set forth in this document and any applicable local laws and/or specification books adopted by the Village of Aurora or its Department of Public Works. All access roads that are not to be dedicated as public roads must comply with the New York State Village Law, Article 7, §7-734 and §7-736. Roads will be accepted only if they are free and clear of all liens, encumbrances, easements, and rights-of-way. A written statement of acceptance must be filed by the Village Superintendent of Public Works and the Village Attorney before any road shall be accepted by the Village Board of Trustees. New curb-cuts (driveway or roadway openings) onto all County routes shall be reviewed by the Cayuga County Highway Superintendent and approved prior to installation and approval for acceptance by the Village.
 - a. Every street shown on a subdivision plan that has obtained Planning Board approval and has been recorded (within sixty-two (62) days of such approval) in the Office of the Cayuga County Clerk shall be deemed to be a private street until such time as it has been formally offered for dedication to the Village and formally accepted as a public street by resolution of the Village Board of Trustees. No public utility or improvement shall be constructed on any private street, unless by resolution.
3. Width, Location, and Construction. Roads shall be sufficiently wide, suitably located, and adequately constructed to conform to the Village of Aurora Official Map and to accommodate the prospective traffic and afford access for firefighting, snow removal, and other road-maintenance equipment. The arrangement of roads shall be such as to cause no undue hardship to adjoining properties and shall be coordinated so as to compose a convenient system.
4. Physical Specifications.
 - a. Widths of Rights-of-Way. When not indicated on the Village of Aurora Official Map, the classification of public streets shall be determined by the Planning Board. At a minimum, all streets shall have a sixty (60) foot minimum right-of-way and a twenty-four (24) foot minimum driving surface.
 - b. Construction Standards: All roadways shall be properly graded and have a minimum of 8-12 inches of Bank Run Gravel, overlaid with 4-6 inches of Item #4 or equivalent, overlaid with a 2-2 1/2-inch Binder or properly Oiled and Stoned. This multi-media roadbed shall be maintained by the developer for a full year of weather to assure the construction is sound and does not experience problems associated with undercutting of the road, drainage washout, or frost heave. Upon agreement with the Village Board

- of Trustees, and after correction of any problems that develop, the developer will apply a final 1-1 1/2-inch Topping to the roadway.
- c. Grades: Grades of all streets shall conform in general to the terrain, and not be less than one-half percent (0.5%) for all streets, nor more than six percent (6%) for major, collector or local streets, nor ten percent (10%) for local streets in residential zones, but in no case more than three percent (3%) within fifty (50) feet of any intersection.
5. Arrangement of Roads. The arrangement of roads or streets in a subdivision shall provide for the continuation of principal streets of adjoining subdivisions; and for proper projection of principal streets into adjoining properties which are not yet subdivided, in order to make possible necessary fire protection, movement of traffic, and the construction or extension, presently or when later required, of needed utilities and public services such as sewers, water lines, and drainage facilities. Subdivisions containing twenty (20) lots or more shall have at least two (2) street connections with existing public roads and streets, or roads and streets shown on the Village of Aurora Official Map, if such exist, or roads and streets on an approved Subdivision Plat for which a bond has been filed. Where, in the determination of the Planning Board, topographic or other conditions make such continuance undesirable or impracticable, the above conditions may be modified. The Planning Board may require the reservation of a twenty (20) foot wide easement to provide for continuation of pedestrian traffic and utilities to the next road or street.
- a. Location of Major Roads and Streets. The location of all major streets in the proposed subdivision shall conform in general alignment to the traffic plan, adopted by the Planning Board.
 - b. Protection of Existing Streets. The proposed street layout shall provide for the continuation or projection of existing streets in the surrounding area unless the Planning Board deems such extension undesirable for specific reasons of topography or design.
 - c. Relation to Topography. Streets shall be logically related to the topography to produce usable lots and reasonable grades.
 - d. Local Roads and Streets. Local streets shall be laid out to discourage through traffic, but provision for street connections into them from adjacent areas will generally be required.
 - e. Loop Roads, Streets, and Circle Drives. The creation of residential loop roads will be encouraged wherever the Planning Board finds that such roads are needed or desirable. Circle drives create problems for snow plowing and are discouraged.
 - f. Access to Property Required. Proposed streets shall be extended to provide access to adjoining property where appropriate.
 - g. Provision for Street Rights-of-Way. Adequate street rights-of-way shall be provided as necessary where lots in the proposal are large enough to permit further subdivision, or if a portion of the tract is not subdivided.
 - h. Provision for Access Streets, Service Roads, Reverse Frontage Lots, etc. Where a subdivision abuts or contains an existing or proposed major traffic street, the Planning Board may require service roads or access streets of not less than twenty (20)-feet in width, or in lieu thereof adequate off-road loading space, surfaced with a suitable, dust-free material in order to provide protection for abutting properties, reduction in the number of intersections with the major street, and separation of local and through traffic.
 - i. New Half-Width or Partial-Width Streets.

- i. New half-width or partial-width streets will not be permitted, except where essential to reasonable subdivision or a tract in conformance with the other requirements and standards contained herein and where, in addition, satisfactory assurance for dedication of the remaining part of the street can be secured.
- ii. Wherever a tract to be subdivided borders an existing half- or partial-width street, the other part of the street shall be plotted within such tract.
- j. Cul-de-Sacs and Dead-End Streets.
 - i. Cul-de-sacs, permanently designed as such, shall not exceed five hundred (500) feet in length, and shall furnish access to not more than twelve (12) dwellings.
 - ii. Cul-de-sacs shall be provided at the closed end with a paved turnaround having a minimum radius to the outer pavement edge or curb line of forty (40) feet.
 - iii. Unless future extension is clearly impractical or undesirable, a turnaround right-of-way of the same width as the street shall be carried to the property line in such a way as to permit future extension of the street into the adjoining tract.
 - iv. Dead-end streets shall be allowed only as stubs to permit future street extension into adjoining tracts and should not be longer than five hundred (500) feet.
- k. Street Intersections.
 - i. Angle of Intersection. Streets shall be laid out to intersect as nearly as possible at right angles.
 - ii. Multiple Intersections. Multiple intersections involving junction of more than two streets shall be prohibited.
 - iii. Size of Clear Sight Triangles. Clear sight triangles of twenty-five (25) feet measured along street lot lines from their point of junction shall be provided at all intersections, and no building shall be permitted within such sight triangles.
 - iv. Distance Between Intersections. To the fullest extent possible, intersections with major traffic streets or Route 90 shall be located no less than six hundred (600) feet apart, measured from center line to center line.
 - v. Streets Entering Opposite Sides of Another Street. Streets entering opposite sides of another street shall be laid out directly opposite one another.
 - vi. Curb Radii. Curbs shall be required on all streets. Minimum curb radii at street intersections shall be twenty-five (25) feet or such greater radius as is suited to the specific intersection.
 - vii. Inadequate Right-of-Way Width. Where a subdivision abuts or contains an existing street or inadequate right-of-way width, additional right-of-way width will be required.
 - viii. Leveling Area Required. Where the grade of any street at the approach to an intersection exceeds eight percent (8%), a leveling area shall be provided having not greater than four percent (4%) grades for a distance of twenty-five (25) feet measured from the nearest right-of-way line of the intersecting street.
6. Road Grading Plan.
 - a. Roads and Streets (and alleys where provided) shall be graded, surfaced and improved to the grades, profiles and cross-sections approved by the New York State Department of Transportation or the Village Engineer.

- a. All such proposed developments are consistent with the need to minimize flood damage.
 - b. Adequate drainage is provided so as to reduce exposure to flood hazards.
 - c. Adequate drainage is provided so as not to increase the exposure of adjacent lands to flood hazards.
 - d. All public utilities and facilities shall be located, elevated and constructed so as to minimize or eliminate flood damage.
3. Drainage. A drainage system shall be designed and constructed by the subdivider to provide for the proper drainage of the surface water of the subdivision and the drainage area of which it is a part.
- a. Drainage Plan. The subdivider shall also show by the use of arrows how the subdivider proposes to surface drain each lot. The subdivider shall submit topographic maps showing the areas to be drained with calculations prepared by a registered professional engineer in determining the proposed stormwater collection system.
 - b. Drainage Requirements (Grading). No final grading or sidewalk or pavement construction or installation of utilities shall be permitted in any proposed road until the final plan has been approved or conditionally approved. The subdivider shall grade each subdivision to establish road, block, and lot grades in their proper relation to each other and to the topography.
 - c. The design criteria for the drainage systems as approved by the Planning Board shall be based on the New York State Department of Transportation standards. The following minimum design frequencies are to be used unless otherwise specified:
 - i. Roadway Ditches 5 years
 - ii. Storm Sewers 5 years
 - iii. Culvert under Roadways 25 years
 - iv. Water Courses 10 years
 - d. Off-Road Drainage System. The design of the off-road drainage system shall include the watershed affecting the allotment and shall be extended to a water course or ditch adequate to receive the storm drainage.
 - i. Existing creeks or ditches constructed by the subdivider that exceed the above limit shall be constructed so that the roadway provides access for maintenance equipment to all sections of the ditch. The ditch easement shall be wide enough to contain said ditch slopes and roadway with ample clearance for the operation of maintenance equipment. Open ditches will have a side slope ratio of 2:1 and a minimum two (2) foot bottom width.
 - ii. No open ditch shall be constructed within one hundred (100) feet of the rear of a dwelling, as measured from the dwelling to the edge of the ditch easement.
 - iii. Any storm drainage courses carried alongside lot lines shall be enclosed with approved pipe.
 - e. Protection of Drainage Systems. The subdivider shall adequately protect all ditches (roadways and water courses) to the satisfaction of the Planning Board or its agent as follows:
 - i. Enclosing the water course with pipe;
 - ii. Sodding or paving with brick, concrete, half tile or broken concrete slabs or stone;

- iii. All adjoining land where the vegetation has been injured or destroyed, or where the land is in need of protection to prevent erosion deposits in the drainage facilities, and/or unsightly conditions shall be restored and protected as directed by the Planning Board or its agent;
 - iv. In all cases, any drainage facility within the subdivision shall be in a stable condition, free from either erosion or sedimentation and/or other debris;
 - v. All drainage drawings should be reviewed by the Cayuga County Soil & Water Conservation District or by the Village Engineer at the discretion of the Planning Board.
- f. Stormwater Run-off. All subdivisions are subject to all New York State and local laws governing stormwater runoff and the provisions of Section 9.07 of this Local Law.
- i. Storm Sewers. Storm sewers shall be installed when in the opinion of the Planning Board, as advised by the Village Engineer, or Cayuga County Soil and Water Conservation District, or State or County Department of Transportation staff, they are deemed necessary to provide adequate drainage for the subdivision
 - ii. Applicant must enter into a binding Stormwater Facilities Maintenance Agreement supplied by the Village which shall run with the land and be applicable to such matters of drainage importance as identified by the Village of Aurora and its consulting Engineer.

G. Utilities.

1. The Planning Board shall require that utilities be placed in the road right-of-way between the paved roadway and road line to simplify location and repair of lines when they require attention. The applicant shall install service connections to the property line of each lot within the subdivision for such required utilities before the road is paved.
2. All utilities are to be placed underground except those not allowed by Underwriter Code and/or the utility company.
3. Public Water Supply. The subdivider shall provide the subdivision with a complete and adequate water distribution system, including a curb stop for each lot and appropriately spaced fire hydrants.
4. Sanitary System.
 - a. When the public sanitary sewer system is, in the opinion of the Planning Board, as advised by the Village Engineer, reasonably accessible, the subdivider shall install sanitary sewers so as to serve adequately all lots with connections to the public system. Stormwater shall be excluded from sanitary sewers.
 - b. Where lots cannot be served by the extension of an existing public sanitary sewer, the subdivider shall obtain approval of lot sizes as provided in Section 5.01. In addition, individual septic tanks and disposal fields, and/or neighborhood disposal systems, shall require approval by the Cayuga County Department of Health.
5. Street Lighting. In providing for street lighting, the subdivider shall present a lighting map that indicates the locations and kinds of fixtures, with their specifications, to be approved by the Planning Board. For properties located within the Aurora Village-Wells College Historic Overlay District or those with designated individual landmarks, a Certificate of Appropriateness shall also be required from the Community Preservation Panel in accordance with Article VII of this Local Law. All electrical services shall be underground.

H. Parks, Open Spaces, and Natural Features.

1. Open Space to be Shown on Plat. Where a proposed park, playground, or open space shown on the Official Map is located in whole or in part in a subdivision, the Planning Board shall require that such area or areas be shown on the plat in accordance with the requirements specified in Section 14.10, C, and Section 14.11, C hereof. Such area or areas may be dedicated to the Village by the applicant if the Village Board of Trustees approves such dedication.
2. Parks and Playgrounds Not Shown on Village Plans. The Planning Board shall require that a plat show sites of a character, extent, and location suitable for the development of a park, playground, or other recreation purpose. The Planning Board may require that the developer satisfactorily grade any such recreation areas shown on the plat. The Board shall require that not less than two and one half (2.5) acres of recreation space be provided for every fifty (50) dwelling units, or fraction thereof, shown on the plat. However, in no case shall the Board require more than ten (10) percent of the total area to be set aside in the subdivision. Such area or areas may be dedicated to the Village by the applicant if the Village Board of Trustees approves such dedication.
3. Information to be Submitted. In the event that an area to be used for a park or playground is required to be so shown, the applicant shall, prior to final approval, submit to the Planning Board at least nine (9) copies printed full size, one (1) copy printed on 11"x17" paper, and one digital copy in .pdf format on a CD or other acceptable device, showing, at a scale not smaller than 1:300, such area and the following features thereof:
 - a. The boundaries of the area, giving metes and bounds of all straight lines, radii, lengths, central angles and tangent distances of all curves.
 - b. Existing features such as brooks, ponds, clusters of trees, rock outcrops and structures.
 - c. Existing, and, if applicable, proposed changes in grade and contours of the area and of areas immediately adjacent.
4. Watercourses.
 - a. Where a watercourse separates a proposed road from abutting property, provision shall be made for access to all lots by means of culverts or other structures of design approved by the Village Highway Superintendent or the Village Engineer.
 - b. Where a subdivision is traversed by a watercourse, drainage way, channel or stream, there shall be provided a stormwater easement or drainage right-of-way as required by the Village Highway Superintendent or the Village Engineer, conforming substantially with the line of such water course and be of such width as will be adequate to preserve natural drainage, but in no case less than twenty (20) feet in width.
5. Preservation of Natural Features. Wherever practical, natural features of the property being subdivided shall be preserved.
 - a. To the fullest extent practicable, all existing trees and shrubbery shall be preserved by the applicant. The subdivision should be designed with consideration being given to the preservation of natural features. Precautions shall be taken during the process of grading the lots and roads.
 - b. Where any land other than that included in public rights-of-way is to be dedicated to public use, the developer shall not remove any trees from the site without written Village Planning Board approval.
 - c. Where a subdivision is traversed by natural surface water, the boundaries and alignment of the body of water shall be preserved unless the Planning Board finds that a change

would be ecologically sound and would enhance the development and beauty of the project. All proposed changes in the boundaries of bodies of water shall be designed and approved in accordance with Article 15 of the New York State Environmental Conservation Law.

- d. Every effort shall be taken by the applicant in designing a project to preserve unique physical features, such as historic landmarks and sites, rock outcroppings, hilltop lookout, desirable natural contours, and similar natural features including areas of scenic value. Areas characterized by steep (10% and over) slopes, rock formations, gullies, all wetlands, and other features, shall not be subdivided into residential lots.
- I. Reserve Strips. Reserve strips of land, including those controlling access to any neighboring property, streets, or land within the subdivision itself shall be avoided.

Section 14.23 – Waiver of Certain Improvements

- A. Where the Planning Board finds that, due to special circumstances of a particular plat, the provision of certain required improvements is not requisite to the interest of the public health, safety, and general welfare or is inappropriate because of inadequacy or lack of connecting facilities adjacent or in proximity to the proposed subdivision, the Board may waive such requirements subject to appropriate conditions, provided that such waiver will not have the effect of nullifying the intent and purpose of the Village of Aurora Official Map, the Village of Aurora Comprehensive Plan, or the Village of Aurora Zoning Law.
- B. In granting waivers, the Planning Board shall require such conditions as will, in its judgment, secure substantially the objectives of the standards or requirements so waived.

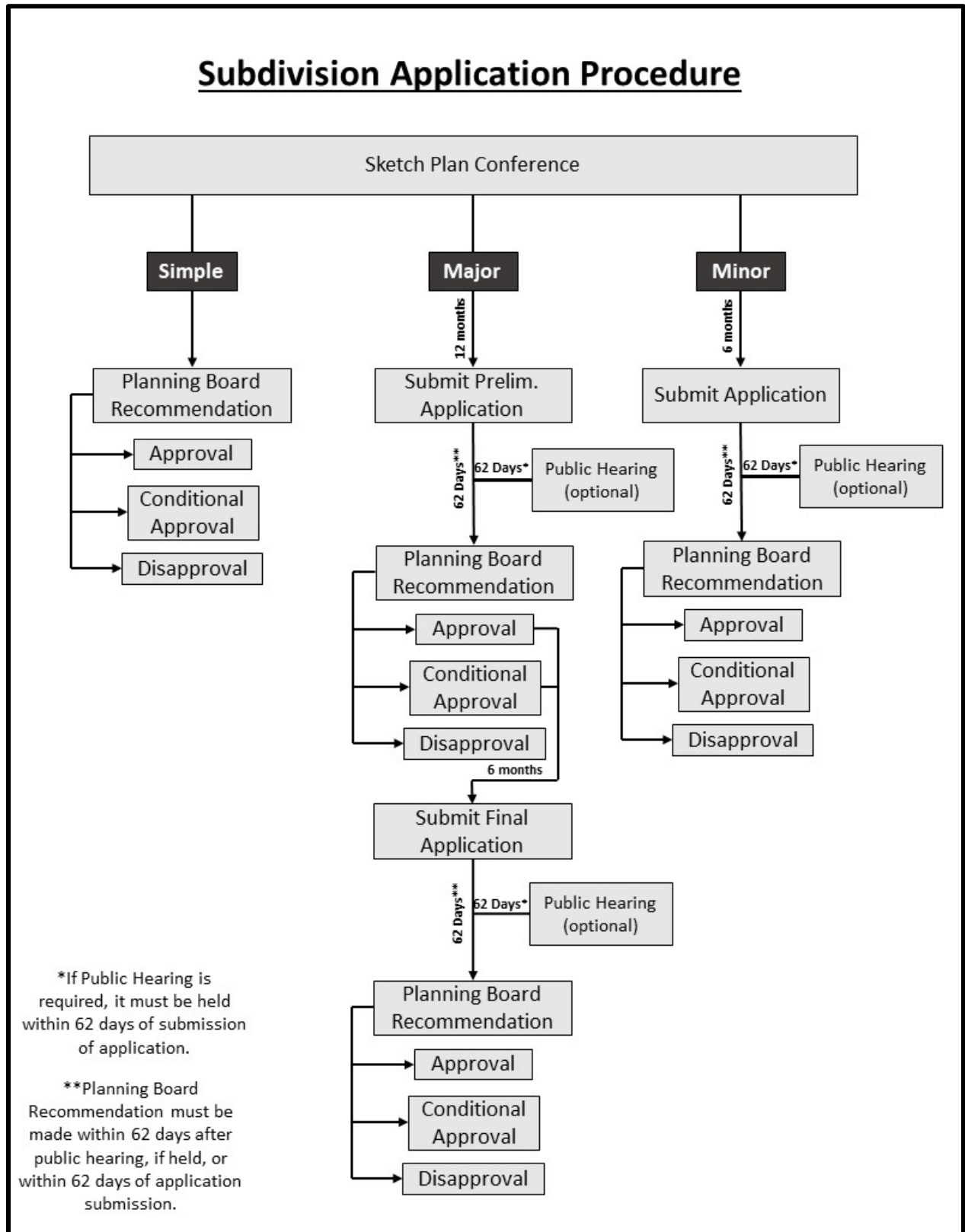


Figure 12: Subdivision Application Procedures

ARTICLE XV: WIND ENERGY SYSTEMS

Section 15.01 – Purpose and Intent

- A. To promote the effective and efficient use of the Village’s wind energy resources through wind energy conversion systems (WECS) and to regulate the placement of such WECS so that the public health, safety, and welfare are not jeopardized.

Section 15.02 – Definitions

- A. As used in this Article, the following terms shall have the meanings indicated:

Large Wind Energy Conversion System: A Wind Energy Conversion System (“WECS”) consisting of one wind turbine, one tower, and associated control or conversion electronics which has a rated capacity greater than one hundred fifty (150) kilowatts and is intended to supply some portion of its produced electrical power for sale to a power grid. WECS with a rated capacity of twenty-five (25) megawatts or more are governed by Article X of the New York State Public Service Law.

Small Wind Energy Conversion System: A WECS consisting of one wind turbine, one tower, and associated control or conversion electronics which has a rated capacity of greater than 10 kilowatts but not more than one hundred fifty (150) kilowatts and a total height of greater than fifty (50) feet but not more than one hundred twenty-five (125) feet.

Total Height: Height of WECS measured from ground elevation to top of tip of the blade in the vertical position.

Tower: Support structure, including guyed, monopole, and lattice types, upon which wind turbine or other mechanical device is mounted.

Very Small Wind Energy Conversion System: A WECS consisting of one wind turbine, one tower (or other mounting system), and associated control or conversion electronics which has a rated capacity of ten (10) kilowatts or less and a total height of fifty (50) feet or less.

Wind Energy Conversion System: A machine that converts the kinetic energy in the wind into a usable form (commonly known as a “wind turbine” or “windmill”). A WECS can be commercial or non-commercial. A WECS may include one or more wind turbines, towers, associated control or conversion electronics, transformers, and/or maintenance and control facilities or other components used in the system. The turbine or windmill may be on a horizontal or vertical axis, rotor, or propeller.

Section 15.03 – Applicability

- A. The substantive and procedural requirements of this section shall apply to all wind energy facilities that are not governed by Article X of the New York State Public Service Law which are proposed, operated, modified, or constructed after the effective date of this Article. The substantive requirements of this section shall apply to all wind energy facilities proposed, operated, modified, or constructed after the effective date of this Article to the extent not overridden by Article X of the New York State Public Service Law.
- B. Wind energy facilities for which a required permit has been properly issued and upon which construction has commenced prior to the effective date of this Article shall not be required to meet the requirements of this section, however;
1. Any such preexisting wind energy facility which does not provide energy for a continuous period of 12 months shall meet the requirements of this Article prior to recommencing production of energy.

- C. No modification or alteration, excluding regular maintenance and repair, to an existing wind energy facility shall be allowed without full compliance with this Article.

Section 15.04 – Permits Required

- A. No wind energy facility shall be constructed, reconstructed, or modified in the Village of Aurora except in compliance with this Article.

- 1. Notwithstanding the preceding sentence, where a WECS has been granted necessary permits, variances or other land use authorizations, and has been built and is operating under such authorizations, such existing use(s) may be continued under the terms of such authorization so long as the use is not changed, extended, enlarged, or structurally altered.

- B. Very Small Wind Energy Conversion Systems

- 1. Very Small WECS are permitted as accessory structures in all Zoning Districts in the Village and may be constructed, reconstructed, or modified in accordance with the conditions in Section 4.06,A,1 paragraphs a. through c. of this Local Law as well as the regulations of this Article.
 - 2. A building permit is required for the installation of all Very Small WECS.
 - 3. Very Small WECS must comply with the following safety standards:
 - a. The minimum distance from the ground to the rotor blade tips shall not be less than ten (10) feet.
 - b. Each Very Small WECS shall be equipped with both manual and automatic controls to limit the rotational speed of the blade within the design limits of the rotor. Manual electrical and/or overspeed shutdown disconnect switches shall be provided and clearly labeled on the wind turbine structure. No Very Small WECS shall be permitted which lacks an automatic braking, governing, or feathering system to prevent uncontrolled rotation, overspeeding, and excessive pressure on the tower structure, rotor blades, and turbine components.
 - 4. Very Small WECS must otherwise comply with setback, nuisance, environmental and visual effects, and operation and maintenance standards described in Section 15.08, B through F herein and the enforcement and violations provisions of Section 15.13 herein.
 - 5. Very Small WECS located in the Aurora Village-Wells College Historic Overlay District shall also obtain a Certificate of Appropriateness from the Community Preservation Panel in accordance with Article VII.

- C. Small and Large Wind Energy Conversion Systems.

- 1. Both Small WECS and Large WECS, as defined herein, are prohibited in all Zoning Districts in the Village of Aurora.

ARTICLE XVI: SOLAR ENERGY SYSTEMS

Section 16.01 – Applicability and Purpose

- A. The provisions of this Article apply to Non-Utility Scale Solar Energy System installations which are permitted subject to the conditions herein in; and to Utility Scale Solar Energy System installations. The Zoning Officer shall review and approve of all Non-Utility Scale Energy System installations.
- B. The purpose of this Article is to provide for the siting, development, and decommissioning of solar energy projects in the Village of Aurora, subject to reasonable conditions that promote and protect the public health, safety, and welfare of the community while promoting development of renewable energy resources.

Section 16.02 – Definitions

- A. As used in this Article, the following terms shall have the meanings indicated:

Array: Any number of electrically connected photovoltaic modules providing a single electrical output.

Collective Solar: Solar installations owned collectively through subdivision homeowner associations, "adopt-a-solar-panel" programs, or other similar arrangements.

Free-Standing/Ground-Mounted: A solar energy system that is installed in the ground and is not attached or affixed to an existing structure. Pole-mounted solar energy systems shall be considered freestanding or ground-mounted solar energy systems for purposes of these regulations.

Qualified Installer: A person who has skills and knowledge related to the construction and operation of solar electrical equipment and installations and has received safety training on the hazards involved. Persons who are on the list of eligible photovoltaic installers maintained by the New York State Energy Research and Development Authority (NYSERDA), or who are certified as a solar installer by the North American Board of Certified Energy Practitioners (NABCEP), shall be deemed to be qualified solar installers for the purposes of this definition.

Rooftop Or Building-Mounted: A solar energy system in which solar panels are mounted on top of the structure of a roof either as a flush-mounted system or as modules fixed to frames which can be tilted toward the south at an optimal angle.

Solar Energy System: Means a renewable energy project that either (a) generates electricity from sunlight, consisting of one or more photovoltaic (PV) systems and other appurtenant structures and facilities within the boundaries of the site, or (b) utilizes sunlight as an energy source to heat or cool buildings, heat or cool water, or produce electrical or mechanical power by means of any combination of collecting, transferring, or converting solar-generated energy.

1. Non-Utility Scale Solar Energy System: Also referred to as Accessory Solar Energy Systems. An accessory use is defined as a secondary activity incidental to the primary use of the property. Non-utility solar energy systems are designed for a home, business, or agricultural use where the primary use of the property is either household living, a commercial activity, or an agricultural activity; and the energy produced by the solar system provides electricity directly to the building or buildings on site for the principal use of the property. Non-utility solar energy systems have a rated capacity of anything under 25 kilowatts and are designed to meet the specific energy needs of the principal use. Non-utility scale solar energy systems may be rooftop installations, or freestanding installations that are either ground- or pole-mounted. Non-utility scale solar energy systems must meet

at least one of the following criteria: (1) Is mounted on or over a building, parking lot, or other previously disturbed area; or (2) Utilizes integrated PV only.

2. **Utility Scale Solar Energy System:** Considered a public utility and developed as a primary land use. Utility scale solar energy systems are typically freestanding, and the principal economic function of the land hosting a utility scale solar energy system is producing solar power for off-site consumption. Utility scale solar energy systems have a minimum rated capacity of 25 kilowatts, but are usually multiple megawatts, and may cover anywhere from tens to thousands of acres of land. These installations primarily supply power for offsite consumption through the electrical grid. Also referred to as a “solar farm”.

Section 16.03 – Non-Utility Scale Solar Energy System Requirements

A. Non-Utility scale roof-top and building-mounted solar collectors are permitted with conditions in all Zoning Districts in the Village in accordance with the provisions herein. Building permits shall be required for installation of roof-top and building-mounted solar collectors.

1. The height of the solar collectors and any mounts shall not exceed the maximum building height restrictions of the zoning district where they are located when oriented at maximum tilt.

B. Non-Utility scale ground-mounted and free-standing solar collectors are permitted with conditions as accessory structures in all Zoning Districts in the Village, subject to the following requirements:

1. The location of the solar collectors meets all applicable setback requirements of the zoning district in which they are located; and are located in the side or rear yard.
2. The height of the solar collectors and any mounts shall not exceed fifteen (15) feet in height above the ground when oriented at maximum tilt.
3. Solar collectors and other facilities shall be designed and located in order to prevent reflective glare toward any roads and inhabited buildings on adjacent properties.
 - a. Where site plan approval is required elsewhere in the regulations of the Village for a development or activity, the site plan review shall include review of the adequacy, location, arrangement, size, design, and general site compatibility of all proposed solar collectors.
 - b. All solar collector installations must be performed in accordance with applicable electrical and building codes, the manufacturer’s installation instructions, and industry standards, and prior to operation the electrical connections must be inspected by the Village Zoning Officer or by an appropriate electrical inspection person or agency, as determined by the Village.
 - c. When solar storage batteries are included as part of the solar collector system, they must be placed in a secure container or enclosure meeting the requirements of the New York State Building Code when in use and when no longer used shall be disposed of in accordance with the laws and regulations of Cayuga County and other applicable laws and regulations.
 - d. If a solar collector ceases to perform its originally intended function for more than twelve (12) consecutive months, the property owner shall remove the collector, mount, and associated equipment and facilities no later than ninety (90) calendar days after the end of the twelve-month period.
 - e. Non-Utility scale ground-mounted and freestanding solar collectors located in the Aurora Village-Wells College Historic Overlay District shall also obtain a Certificate

of Appropriateness from the Community Preservation Panel in accordance with Article VII.

C. Decommissioning Plan.

1. In the event the solar power facility is not completed and functioning within eighteen (18) months of the issuance of the initial building permit, the Village may notify the operator and/or owner to complete construction and installation of the facility within one hundred and eighty (180) calendar days of the date of notification. If the owner and/or operator fails to perform, the Village may notify the owner and/or operator to implement the decommissioning plan.
2. If a solar power facility ceases to perform its originally intended function for more than twelve (12) consecutive months, the owner and/or operator shall implement the decommissioning plan, to include, but not limited to:
 - a. Removal of aboveground and below-ground equipment, structures, and foundations.
 - b. Restoration of the surface grade and soil after removal of equipment to its original state before installation including topsoil quality.
 - c. Re-vegetation of restored soil areas with native seed mixes, excluding any invasive species.
 - d. A timeframe for the completion of site restoration work.
3. If the owner and/or operator fail to fully implement the decommissioning plan within one hundred and eighty (180) calendar days, then in addition to other remedies provided by this section or chapter, by New York Village Law §7-714, or by law or equity, the Village may utilize the following procedure to remove a solar power facility and/or implement a decommissioning plan:
 - a. The Zoning Officer may order removal of such solar power facility and/or implementation of the decommissioning plan by written notice to the owner or person, company, or other entity having control of the facility, or to the owner of the lot on which such facility is located. The notice shall set forth a deadline by which such removal and/or plan implementation must be completed. Said notice shall further advise that, should the violator fail to so act within the established deadline, the removal and/or plan implementation may be performed by a designated governmental agency or a contractor, with the expense thereof to be charged to the violator and/or to become a lien against the premises.
 - b. If the solar power facility is not removed and/or the actions in the decommissioning plan are not completed within the period set forth in the Village's notice or Village Board of Trustees decision after any appeal thereof pursuant to Subsection d below, the Village may enter the premises to remove the facility, cause the removal to be performed, and/or implement the decommissioning plan. The Village's entry onto such premises shall be pursuant to an agreement between the Village and the landowner. If no agreement exists or can be obtained in a timely manner, the Village may seek a warrant from a court of competent jurisdiction for access to the premises and/or may seek a court order requiring or authorizing all actions reasonably necessary to remove the facility and/or implement the decommissioning plan, with the costs of such actions the sole responsibility of the violator.
 - c. The Village shall present the landowner with a bill for all costs and expenses incurred by the Village in connection with the solar power facility removal and/or decommissioning plan implementation. If the landowner shall fail to pay such costs

and expenses with in fifteen (15) calendar days after the demand for same, or within thirty (30) calendar days of the final decision on any administrative or judicial contest the landowner may pursue, then such unpaid costs, expenses, and interest (at the statutory interest rate for money judgments in New York State courts) incurred from the date of the system removal and/or completion of the decommissioning plan shall constitute a lien upon the land on which such removal was undertaken. A legal action or proceeding may be brought to collect such costs, expenses, interest, and recoverable attorney's fees, or to foreclose such lien. As an alternative to the maintenance of any such action, the Village may file a certificate with the Cayuga County Department of Real Property Services stating the costs and expenses incurred and interest accruing as aforesaid, together with a statement identifying the property and landowner. The Cayuga County Department of Real Property Services shall, in the preparation of the next assessment roll, assess such unpaid costs, expenses, and interest upon such property. Such amount shall be included as a special ad valorem levy (administered as a move tax) against such property, shall constitute a lien, and shall be collected and enforced in the same manner, by the same proceedings, at the same time, and under the same penalties as are provided by the law for collection and enforcement of real property taxes in the Village of Aurora. The assessment of such costs, expenses, and interest shall be effective even if the property would otherwise be exempt from real estate taxation.

- d. Appeals of notices and Village bills. Any person receiving notice a to remove a solar power facility and/or implement a decommissioning plan, or a bill for Village costs and expenses, may appeal to the Village Board of Trustees by, within fifteen (15) calendar days of receipt of such notice or bill, delivering to the Village Clerk at the Village offices an appeal requesting a reconsideration and administrative hearing before the Village Board of Trustees. Such appeal shall state the basis for the request for reconsideration and shall be accompanied by any supporting materials. Failure to serve such an appeal within fifteen (15) calendar days shall be deemed a waiver of any claim or defense that the notice or bill is not justified, and the violator shall comply with the requirements of the notice or pay the bill. If the appeal is timely filed, the Village Board of Trustees shall, within forty-two (42) calendar days of the filing, hold a hearing and, based upon any relevant materials presented by the Village and the appellant, shall issue a resolution deciding the appeal within thirty (30) calendar days after the hearing. Such resolution shall be filed with the Village Clerk, who shall arrange for delivery of a copy of the decision to the appellant within five (5) business days after such filing, at the address for such person designated in the appeal or at such other addresses as the appellant may thereafter designate in writing to the Village Clerk. The Village Board of Trustees decision after the hearing shall constitute a final agency action.

Section 16.04 – Utility Scale Solar Energy System Requirements

- A. Utility scale solar energy systems are prohibited in all Zoning Districts in the Village of Aurora.

ARTICLE XVII. WIRELESS TELECOMMUNICATION FACILITIES

Section 17.01 – Purpose and Legislative Intent

A. The Telecommunications Act of 1996 affirmed the Village of Aurora’s authority concerning the placement, construction, and modification of wireless telecommunications facilities. The Village of Aurora finds that the improper siting, placement or construction of wireless telecommunications facilities may pose significant concerns to the health, safety, public welfare, character, and environment of the Village and its inhabitants. The Village also recognizes that facilitating the development of wireless service technology can be an economic development asset to the Village and of significant benefit to the Village and its residents. In order to ensure that the placement, construction, or modification of wireless telecommunications facilities is consistent with the Village's land use policies, the Village is adopting a single, comprehensive, wireless telecommunications facilities application and permit process. The intent of this Article is to minimize the impact of wireless telecommunications facilities, establish a fair and efficient process for review and approval of applications, assure an integrated comprehensive review of environmental impacts of such facilities, and protect the health, safety, and welfare of the Village of Aurora.

Section 17.02 – Severability

- A. If any word, phrase, sentence, part, section, subsection, or other portion of this Article or any application thereof to any person or circumstance is declared void, unconstitutional, or invalid for any reason, then such word, phrase, sentence, part, section, subsection, or other portion, or the proscribed application thereof, shall be severable, and the remaining provisions of this Article, and all applications thereof, not having been declared void, unconstitutional, or invalid, shall remain in full force and effect.
- B. Any Special Use Permit issued under this Article shall be comprehensive and not severable. If part of a permit is deemed or ruled to be invalid or unenforceable in any material respect, by a competent authority, or is overturned by a competent authority, the permit shall be void in total, upon determination by the Village.

Section 17.03 – Definitions

A. For purposes of this Article, and where not inconsistent with the context of a particular section, the defined terms, phrases, words, abbreviations, and their derivations shall have the meaning given in this section. When not inconsistent with the context, words in the present tense include the future tense, words used in the plural number include words in the singular number and words in the singular number include the plural number. The word "shall" is always mandatory, and not merely directory.

Accessory Equipment: Any equipment servicing or being used in conjunction with a wireless telecommunications facility or wireless support structure. The term includes utility or transmission equipment, power supplies, generators, batteries, cables, equipment buildings, cabinets and storage sheds.

Accessory Facility or Structure: An accessory facility or structure serving or being used in conjunction with wireless telecommunications facility and located on the same property or lot as the wireless telecommunications facilities, including, but not limited to, utility or transmission equipment storage sheds or cabinets.

Applicant: Any wireless service developer and/or provider submitting an application for a Special Use Permit for wireless telecommunications facilities.

Application: All necessary and appropriate documentation that an applicant submits in order to receive a Special Use Permit for wireless telecommunications facilities.

Antenna: A system of electrical conductors that transmits or receives electromagnetic waves, radio frequency or other wireless signals. Such waves shall include but not be limited to radio, television, cellular, paging, personal telecommunications services (PCS) and microwave telecommunications.

Base Station: A structure or equipment at a fixed location that enables Commission-licensed or authorized wireless communications between user equipment and a communications network. The term does not encompass a tower as defined in this subpart or any equipment associated with a tower. The term includes, but is not limited to, equipment associated with wireless communications services such as private, broadcast, and public safety services, as well as unlicensed wireless services and fixed wireless services such as microwave backhaul. The term includes, but is not limited to, radio transceivers, antennas, coaxial or fiber-optic cable, regular and backup power supplies, and comparable equipment, regardless of technological configuration (including Distributed Antenna Systems and small-cell networks). The term includes any structure other than a tower that, at the time the relevant application is filed with the Village of Aurora pursuant to this Article, supports or houses equipment described in Section 17.15 of this Article that has been reviewed and approved under the applicable zoning or siting process, even if the structure was not built for the sole or primary purpose of providing such support. The term does not include any structure that, at the time the relevant application is filed with the Village of Aurora under this Article, does not support or house equipment described in Section 17.15 of this Article.

Co-location: The mounting or installation of transmission equipment including antennas on an existing tower or eligible support structure for the purpose of transmitting and/or receiving radio frequency signals for wireless communications purposes.

Commercial Impracticability or Commercially Impracticable: The inability to perform an act on terms that are reasonable in commerce; the cause or occurrence of which could not have been reasonably anticipated or foreseen and that jeopardizes the financial efficacy of the project. The inability to achieve a satisfactory financial return on investment or profit, standing alone, shall not deem a situation to be commercially impracticable and shall not render an act or the terms of an agreement commercially impracticable.

Completed Application: An application that contains all information and/or data necessary to enable an informed decision to be made with respect to an application.

Distributed Antenna System (DAS): A network of spatially separated antenna nodes connected to a common source via a transport medium that provides wireless service within a geographic area or structure.

Eligible Facilities Request: Any request for modification of an existing tower or base station that does not substantially change the physical dimensions of such tower or base station, involving 1) collocation of new transmission equipment; 2) removal of transmission equipment; or 3) replacement of transmission equipment.

Eligible Support Structure: Any tower or base station as defined in this section, provided that it is existing at the time the relevant application is filed with the Village of Aurora.

FAA: The Federal Aviation Administration, or its duly designated and authorized successor agency.

FCC: The Federal Communications Commission, or its duly designated and authorized successor agency.

Height: When referring to a tower or structure, the distance measured from the preexisting grade level to the highest point on the tower or structure, even if said highest point is an antenna or lightning protection device.

Modification or Modify: The addition, removal, relocation or change of any of the physical and visually discernable components or aspects of a wireless facility, such as antennas, cabling, equipment shelters, landscaping, fencing, utility feeds, changing the color or materials of any visually discernable components, vehicular access, parking and/or an upgrade or changeout of equipment for better or more modern equipment. Adding a new wireless carrier or service provider to a telecommunications tower or telecommunications site as a co-location is a modification. A modification shall not include the replacement of any components of a wireless facility where the replacement is identical to the component being replaced or for any matters that involve the normal repair and maintenance of a wireless facility without adding, removing, relocating, or changing anything.

Monopole: A tower which consists of a single pole structure, designed and erected on the ground or on top of a structure, to support communications antennas and connect appurtenances.

NIER: Nonionizing electromagnetic radiation.

Person: Any individual, corporation, estate, trust, partnership, joint stock company, association of two or more persons having a joint common interest, or any other entity.

Personal Wireless Facility: See definition for "wireless telecommunications facilities."

Personal Wireless Services or PWS or Personal Telecommunications Service or PCS: Shall have the same meaning as defined and used in the 1996 Telecommunications Act.

Repairs and Maintenance: The replacement of any components of a wireless facility where the replacement is identical to the component being replaced or for any matters that involve the normal repair and maintenance of a wireless facility without the addition, removal, relocation or change of any of the physical or visually discernable components or aspects of a wireless facility that will add to the visible appearance of the facility as originally permitted.

Small Cell Wireless Telecommunications Facility or Small Cell Facility: Small cells are low-powered wireless base stations that function like cells in a mobile wireless network, typically covering targeted indoor or localized outdoor areas ranging in size from homes and offices to stadiums, shopping malls, hospitals, and metropolitan outdoor spaces. This term includes 5G equipment. A small cell facility meets both the following qualifications: 1) each antenna is located inside an enclosure of no more than six (6) cubic feet in volume or, in the case of an antenna that has exposed element, the Antenna and all of its exposed elements could fit within an imaginary enclosure of no more than six (6) cubic feet; and 2) all other wireless equipment associated with the facility is cumulatively no more than seventeen (17) cubic feet in volume. The following types of associated ancillary equipment are not included in the calculation of equipment volume: electric meter, concealment elements, telecommunications demarcation box, ground-based enclosures, grounding equipment, power transfer switch, cut-off switch, and vertical cable runs for the connection of power and other services.

Special Use Permit: The official document or permit by which an applicant is allowed to file for a building permit to construct and use wireless telecommunications facilities as granted or issued by the Village.

Stealth or Stealth Technology: To minimize adverse aesthetic and visual impacts on the land, property, buildings, and other facilities adjacent to, surrounding, and in generally the same area as the requested location of such wireless telecommunications facilities, which shall mean

using the least visually and physically intrusive facility that is not technologically or commercially impracticable under the facts and circumstances.

State: The State of New York.

Substantially Change the Physical Dimensions: Any change to a tower or base station that meets any of the following criteria:

1. For towers outside of public rights-of-way, it increases the height of the tower by more than 10%, or by the height of one additional antenna array with separation from the nearest existing antenna not to exceed 20 feet, whichever is greater; for those towers in the rights-of-way and for all base stations, it increases the height of the tower or base station by more than 10% or 10 feet, whichever is greater;
2. For towers outside of public rights-of-way, it protrudes from the edge of the tower more than 20 feet or more than the width of the tower structure at the level of the appurtenance, whichever is greater; for those towers in the rights-of-way and for all base stations, it protrudes from the edge of the structure more than six feet;
3. It involves installation of more than the standard number of new equipment cabinets for the technology involved, but not to exceed four cabinets;
4. It entails any excavation or deployment outside the current site of the tower or base station;
5. It would defeat the existing concealment elements of the tower or base station; or
6. It does not comply with conditions associated with the prior approval of construction or modification of the tower or base station unless the noncompliance is due to an increase in height, increase in width, addition of cabinets, or new excavation that does not exceed the thresholds identified above.
 - a. For purposes of the above, changes in height resulting from a modification should be measured from the original support structure in cases where the deployments are or will be separated horizontally, such as on buildings' rooftops; in other circumstances, changes in height should be measured from the dimensions of the tower or base station inclusive of originally approved appurtenances and any modifications that were previously approved.

Telecommunications: The transmission and/or reception of audio, video, data, and other information by wire, radio frequency, light, and other electronic or electromagnetic systems.

Telecommunications Site: See definition for “wireless telecommunications facilities.”

Telecommunications Structure: A structure used in the provision of services described in the definition of "wireless telecommunications facilities."

Temporary: Temporary in relation to all aspects and components of this Article, something intended to, or that does, exist at an approved location for fewer than 90 calendar days.

Tower: Any structure built for the sole or primary purpose of supporting any licensed or authorized antennas and their associated facilities, including structures that are constructed for wireless communications services, including, but not limited to, private, broadcast, and public safety services, as well as unlicensed wireless services and fixed wireless services such as microwave backhaul, and the associated site.

Utility Pole: A pole or similar structure that is used in whole or in part for the purpose of carrying electric distribution lines or cables or wires for telecommunications, cable or electric service, or for lighting, traffic control, signage, or a similar function regardless of ownership, including village-owned poles. Such term shall not include structures supporting only Wireless

Telecommunication Service Facilities. Any pole in excess of fifty (50) feet shall be deemed a tower.

Village: The incorporated Village of Aurora.

Wireless Telecommunications Facilities: Means and includes a telecommunications site and personal wireless facility. It means a structure, facility or location designed, or intended to be used as, or used to support antennas or other transmitting or receiving devices. This includes, without limit, towers of all types and kinds and structures, including, but not limited to, buildings, church steeples, silos, water towers, signs, or other structures that can be used as a support structure for antennas or the functional equivalent of such. It further includes all related facilities and equipment such as cabling, equipment shelters, and other structures associated with the site. It is a structure and facility intended for transmitting and/or receiving radio, television, cellular, SMR, paging, 911, personal communications services (PCS), commercial satellite services, microwave services and any commercial wireless telecommunications service not licensed by the FCC.

Wireless Telecommunications Provider: A wireless telecommunications infrastructure provider or a wireless telecommunications services provider.

Section 17.04 – Policy and Goals for Special Use Permits

A. In order to ensure that the placement, construction, and modification of wireless telecommunications facilities protect the Village's health, safety, public welfare, environmental features, the nature and character of the community and neighborhood and other aspects of the quality of life specifically listed elsewhere in this Article, the Village hereby adopts an overall policy with respect to a Special Use Permit for wireless telecommunications facilities for the express purpose of achieving the following goals:

1. Requiring a Special Use Permit for any new, co-location or modification of a wireless telecommunications facility.
2. Implementing an application process for a person(s) seeking a Special Use Permit for wireless telecommunications facilities.
3. Establishing a policy for examining an application for and issuing a Special Use Permit for wireless telecommunications facilities that is both fair and consistent.
4. Promoting and encouraging, wherever possible, the sharing and/or co-location of wireless telecommunications facilities among service providers.
5. Promoting and encouraging, wherever possible, the placement, height and quantity of wireless telecommunications facilities in such a manner, including but not limited to the use of stealth technology, to minimize adverse aesthetic and visual impacts on the land, property, buildings, scenic viewsheds, and other facilities adjacent to, surrounding, and in generally the same area as the requested location of such wireless telecommunications facilities, which shall mean using the least visually and physically intrusive facility that is not technologically or commercially impracticable under the facts and circumstances.
6. That in granting a Special Use Permit, the Village has found that the facility shall be the most appropriate site as regards to being the least visually intrusive among those available in the Village.

Section 17.05 – Special Use Permit Requirement

A. No person shall be permitted to site, place, build, construct, modify, or prepare any site for the placement or use of wireless telecommunications facilities as of the effective date of this Article without having first obtained a Special Use Permit for wireless telecommunications

facilities. Notwithstanding anything to the contrary in this section, no Special Use Permit shall be required for those exceptions noted in Section 17.06.

- B. Special Use Permit approval by the Planning Board is required for the following specific telecommunication facilities/actions:
 - 1. A substantial change to an existing tower or base station;
 - 2. Any other application for placement, installation, collocation or construction of transmission equipment that does not constitute an Eligible Facilities Request;
 - 3. Installation of a new tower over 50 feet in height;
 - 4. Placement of new antenna on an existing tower or base station that results in a substantial change to the tower or base station;
 - 5. Installation of equipment located on sidewalk;
 - 6. Installation of equipment on a pole, located at an elevation less than fifteen (15) feet from the ground; or
 - 7. Installation of a small cell facility on a pole located within twenty (20) feet of a dwelling unit.
- C. Wireless telecommunications facilities located in the Aurora Village-Wells College Historic Overlay District shall obtain a Certificate of Appropriateness from the Community Preservation Panel in accordance with Article VII.

Section 17.06 – Exclusions

- A. The following shall be exempt from this Article:
 - 1. All legally permitted wireless telecommunications facilities, constructed as permitted, existing on, or before the effective date of this Article shall be allowed to continue as they presently exist; provided, however, that any visible modification(s) to an existing wireless telecommunications facility will require the complete facility and any new installation to comply with this Article.
 - 2. Any repair and maintenance of a wireless facility does not require the application for a Special Use Permit.
 - 3. The Village's fire, police, department of transportation, or other public service facilities owned and operated by the local or county government.
 - 4. Any facilities expressly exempt from the Village's siting, building and permitting authority.
 - 5. Over-the-air reception devices including the reception antennas for direct broadcast satellites (DBS), multichannel multipoint distribution (wireless cable) providers (MMDS), television broadcast stations (TVBS) and other customer-end antennas that receive and transmit fixed wireless signals that are primarily used for reception.
 - 6. Facilities exclusively for private, noncommercial radio and television reception and private citizen's bands, licensed amateur radio and other similar noncommercial telecommunications.
 - 7. Facilities exclusively for providing unlicensed spread spectrum technologies [such as IEEE 802.11a, b, g (Wi-Fi) and Bluetooth] where the facility does not require a new tower.

Section 17.07 – Special Use Permit Application and Other Requirements

- A. All applicants for a Special Use Permit for wireless telecommunications facilities or any modification of such facility shall comply with the requirements set forth in this Article. The Planning Board is the officially designated agency or body of the Village to whom applications

for a Special Use Permit for wireless telecommunications facilities must be made and that is authorized to review, analyze, evaluate, and make decisions with respect to granting or not granting or revoking Special Use Permits for wireless telecommunications facilities. The Village may, at its discretion, delegate or designate other officials of the Village to accept, review, analyze, evaluate, and make recommendations to the Planning Board with respect to granting or not granting or revoking Special Use Permits for wireless telecommunications facilities.

- B. The Planning Board may reject applications not meeting the requirements stated herein or which are otherwise incomplete.
- C. No wireless telecommunications facilities shall be installed, constructed, or modified until the application is reviewed and approved by the Planning Board and the Special Use Permit has been issued.
- D. Any and all representations made by the applicant to the Planning Board on the record during the application process, whether written or verbal, shall be deemed a part of the application and may be relied upon in good faith by the Planning Board.
- E. An application for a Special Use Permit for wireless telecommunications facilities shall be signed on behalf of the applicant by the person preparing the same and with knowledge of the contents and representations made therein and attesting to the truth and completeness of the information.
- F. The applicant must provide documentation to verify it has the right to proceed as proposed on the site. This would require an executed copy of the applicable lease with the landowner or landlord together with a signed letter acknowledging authorization. If the applicant owns the site, a copy of the deed and/or ownership record is required.
- G. The applicant shall include a statement in writing:
 - 1. That the applicant's proposed wireless telecommunications facilities shall be maintained in a safe manner, and in compliance with all conditions of the Special Use Permit, without exception, unless specifically granted relief by the Planning Board or Zoning Board of Appeals, as applicable, in writing, as well as all applicable and permissible local codes, laws, and regulations, including any and all applicable Village, state and federal laws, rules, and regulations; and
 - 2. That the construction of the wireless telecommunications facilities is legally permissible, including but not limited to the fact that the applicant is authorized to do business in the state.
- H. Where a certification is called for in this Article, such certification shall bear the signature and seal of a professional engineer licensed in the state.
- I. In addition to all other required information as stated in this Article, all applications for the construction or installation of new wireless telecommunications facilities or modification of an existing facility shall contain the information hereinafter set forth:
 - 1. A descriptive statement of the objective(s) for the new facility or modification, including and expanding on any needs such as coverage and/or capacity requirements;
 - 2. Documentation that demonstrates and proves the need for the wireless telecommunications facility to provide service primarily and essentially within the Village. Such documentation shall include propagation studies of the proposed site and all adjoining planned, proposed, in-service or existing sites that demonstrate a significant gap in coverage and/or, if a capacity need, include an analysis of current and projected usage;

3. The name, mailing address, email address and phone number of the person preparing the report;
 4. The name, mailing address, email address and phone number of the property owner and applicant, and to include the legal name of the applicant. If the site is a tower and the owner is different than the applicant, provide the name, mailing address, email address and phone number of the tower owner;
 5. The postal address and Tax Map parcel number of the property;
 6. The zoning district or designation in which the property is situated;
 7. Size of the property stated both in square feet and lot line dimensions, and a survey showing the location of all lot lines;
 8. The location of the nearest residential structure;
 9. The location of the nearest scenic or protected viewshed or byway, if any;
 10. The location, size and height of all existing and proposed structures on the property which is the subject of the application;
 11. The type, locations and dimensions of all proposed and existing landscaping, and fencing;
 12. The azimuth, size and center-line height location of all proposed and existing antennas on the supporting structure;
 13. The number, type and model of the antenna(s) proposed, with a copy of the specification sheet;
 14. The make, model, type and manufacturer of the tower and design plan stating the tower's capacity to accommodate multiple users;
 15. A site plan describing the proposed tower and antenna(s) and all related fixtures, structures, appurtenances and apparatus, including height above preexisting grade, materials, color and lighting;
 16. The frequency, modulation and class of service of radio or other transmitting equipment;
 17. The actual intended transmission power stated as the maximum effective radiated power (ERP) in watts;
 18. Signed documentation such as the "Checklist to Determine Whether a Facility is Categorically Excluded" to verify that the wireless telecommunications facility with the proposed installation will be in full compliance with the current FCC RF emissions guidelines (NIER). If not categorically excluded, a complete RF emissions study is required to provide verification;
 19. A signed statement that the proposed installation will not cause physical or RF interference with other telecommunications devices;
 20. A copy of the FCC license applicable for the intended use of the wireless telecommunications facilities;
 21. A copy of the geotechnical subsurface soils investigation, evaluation report and foundation recommendation for a proposed or existing tower site and, if an existing tower or water tank site, a copy of the installed foundation design.
- J. The applicant will provide a written copy of an analysis, completed by a qualified individual or organization, to determine if the proposed new tower or existing structure intended to support wireless facilities is in compliance with Federal Aviation Administration Regulation Part 77 and if it requires lighting. This requirement shall also be for any existing structure or

building where the application increases the height of the structure or building. If this analysis determines that an FAA determination is required, then all filings with the FAA, all responses from the FAA and any related correspondence shall be provided with the application.

K. Application for New Tower.

1. In the case of a new tower, the applicant shall be required to submit a written report demonstrating its meaningful efforts to secure shared use of existing tower(s) or the use of alternative buildings or other structures within the Village. Copies of written requests and responses for shared use shall be provided to the Planning Board in the application, along with any letters of rejection stating the reason for rejection.
2. In order to better inform the public, in the case of a new telecommunications tower, the applicant shall, prior to the public hearing on the application, hold a "balloon test." The applicant shall arrange to fly, or raise upon a temporary mast, a minimum of a three-foot in diameter brightly colored balloon at the maximum height of the proposed new tower. The dates (including a second date, in case of poor visibility on the initial date), times and location of this balloon test shall be advertised by the applicant seven calendar days and fourteen (14) calendar days in advance of the first test date in a newspaper with a general circulation in the Village. The applicant shall inform the Planning Board, in writing, of the dates and times of the test, at least fourteen (14) calendar days in advance. The balloon shall be flown for at least four consecutive hours sometime between 7:00 a.m. and 4:00 p.m. on the dates chosen. The primary date shall be on a weekend, but in case of poor weather on the initial date, the secondary date may be on a weekday. A report with pictures from various locations of the balloon shall be provided with the application.
3. The applicant shall examine the feasibility of designing the proposed tower to accommodate future demand for example, future co-locations. The tower shall be structurally designed to accommodate at least four additional antenna arrays equal to those of the applicant, and located as close to the applicant's antenna as possible without causing interference. This requirement may be waived, provided that the applicant, in writing, demonstrates that the provisions of future shared usage of the tower is not technologically feasible, is commercially impracticable or creates an unnecessary and unreasonable burden, based upon:
 - a. The foreseeable number of FCC licenses available for the area;
 - b. The kind of wireless telecommunications facilities site and structure proposed;
 - c. The number of existing and potential licenses without wireless telecommunications facilities spaces/sites;
 - d. Available space on existing and approved towers.
4. Shared Use.
 - a. The owner of a proposed new tower, and his/her successors in interest, shall negotiate in good faith for the shared use of the proposed tower by other wireless service providers in the future, and shall:
 - i. Respond within 30 calendar days to a request for information from a potential shared-use applicant;
 - ii. Negotiate in good faith concerning future requests for shared use of the new tower by other telecommunications providers;
 - iii. Allow shared use of the new tower if another telecommunications provider agrees in writing to pay reasonable charges. The charges may include, but are not limited to, a pro rata share of the cost of site selection, planning, project administration,

land costs, site design, construction and maintenance financing, return on equity, less depreciation, and all of the costs of adapting the tower or equipment to accommodate a shared user without causing electromagnetic interference.

- b. Failure to abide by the conditions outlined above may be grounds for revocation of the Special Use Permit.
- L. The applicant shall provide certification with documentation (structural analysis), including calculations that the telecommunications facility tower and foundation and attachments, rooftop support structure, water tank structure, and any other supporting structure as proposed to be utilized are designed and will be constructed to meet all local, Village, state and federal structural requirements for loads, including wind and ice loads.
- M. If proposal is for a co-location or modification on an existing tower, the applicant is to provide signed documentation of the tower condition, such as an ANSI report as per Annex E, Tower Maintenance and Inspection Procedures, ANSI/TIA/EIA-222F or most recent version. The inspection report must be performed every three years for a guyed tower and five years for monopoles and self-supporting towers.
- N. All proposed wireless telecommunications facilities shall contain a demonstration that the facility be sited so as to be the least visually intrusive reasonably possible, given the facts and circumstances involved, and thereby have the least adverse visual effect on the environment and its character, on existing vegetation, historic structures and/or districts, and on the residences in the area of the wireless telecommunications facility.
- O. If a new tower, proposal for a new antenna attachment to an existing structure, or modification adding to a visual impact, the applicant shall furnish a visual impact assessment, which shall include:
 1. If a new tower or increasing the height of an existing structure is proposed, a computer-generated "Zone of Visibility Map" at a minimum of one-mile radius from the proposed structure, with and without foliage, shall be provided to illustrate locations from which the proposed installation may be seen. The map shall also include views from across Cayuga Lake looking towards the Village of Aurora.
 2. Pictorial representations of "before" and "after" (photo simulations) views from key viewpoints both inside and outside of the Village as may be appropriate, including but not limited to state highways and other major roads; state and local parks; other public lands; historic districts; preserves and historic sites normally open to the public; and from any other location where the site is visible to a large number of visitors, travelers or residents, including boat traffic on Cayuga Lake. Guidance will be provided, concerning the appropriate key sites, at the pre-application meeting; provide a map showing the locations of where the pictures were taken and distance from the proposed structure.
 3. A written description of the visual impact of the proposed facility, including, as applicable, the tower base, guy wires, fencing and accessory buildings from abutting and adjacent properties and streets as relates to the need or appropriateness of screening.
- P. The applicant shall demonstrate and provide in writing and/or by drawing how it shall effectively screen from view the base and all related equipment and structures of the proposed wireless telecommunications facility.
- Q. The wireless telecommunications facility and any and all accessory or associated facilities shall maximize the use of building materials, colors and textures designed to blend with the structure to which it may be affixed and/or to harmonize with the natural surroundings. This shall include the utilization of stealth or concealment technology as may be required by the Planning Board.

- R. All utilities at a wireless telecommunications facilities site shall be installed underground and in compliance with all laws, rules and regulations of the Village, including specifically, but not limited to, the National Electrical Safety Code and the National Electrical Code where appropriate.
- S. At a telecommunications site, an access road, turnaround space, and parking shall be provided to assure adequate emergency and service access. Maximum use of existing roads, whether public or private, shall be made to the extent practicable. Road construction shall at all times minimize ground disturbance and the cutting of vegetation. Road grades shall closely follow natural contours to assure minimal visual disturbance and reduce soil erosion.
- T. All wireless telecommunications facilities shall be constructed, operated, maintained, repaired, provided for removal of, modified or restored in strict compliance with all current applicable technical, safety and safety-related codes adopted by the Village, state, or United States, including but not limited to the most recent editions of the ANSI Code, National Electrical Safety Code and the National Electrical Code, as well as accepted and responsible workmanlike industry practices and recommended practices of the National Association of Tower Erectors. The codes referred to are codes that include, but are not limited to, construction, building, electrical, fire, safety, health, and land use codes. In the event of a conflict between or among any of the preceding the more stringent shall apply.
- U. A holder of a Special Use Permit granted under this Article shall obtain, at its own expense, all permits and licenses required by applicable law, rule, regulation or code, and must maintain the same, in full force and effect, for as long as required by the Village or other governmental entity or agency having jurisdiction over the applicant.
- V. There shall be a pre-application meeting. The purpose of the pre-application meeting will be to address issues that will help to expedite the review and permitting process. A pre-application meeting shall also include a site visit if there has not been a prior site visit for the requested site. Costs of the Village 's consultants to prepare for and attend the pre-application meeting will be borne by the applicant.
- W. An applicant shall submit to the Planning Board the number of completed applications determined to be needed at the pre-application meeting. Written notification of the application shall be provided to the legislative body of all adjacent municipalities as applicable and/or requested.
- X. The holder of a Special Use Permit shall notify the Planning Board of any intended modification of a wireless telecommunications facility and shall apply to the Planning Board to modify, relocate, or rebuild a wireless telecommunications facility.
- Y. With respect to this application process, the Planning Board will normally seek to have lead agency status pursuant to SEQRA. The Planning Board shall conduct an environmental review of the proposed project pursuant to SEQRA in combination with its review of the application pursuant to this section.
- Z. A decommissioning plan and a decommissioning bond, as necessary, must be provided and agreed to by the Planning Board with consultation from the Village Attorney and/or Village Engineer prior to approval of the Special Use Permit.

Section 17.08 – Location

- A. Applicants for wireless telecommunications facilities shall locate, site and erect said wireless telecommunications facilities in accordance with the following priorities, one (1) being the highest priority and seven (7) being the lowest priority.
 - 1. On existing towers or other structures on Village-owned properties.

2. On existing towers or other structures on other property in the Village.
 3. A new tower on Village-owned properties.
 4. A new tower on properties in areas zoned for agricultural use.
 5. A new tower on properties in areas zoned for commercial use.
 6. A new tower on properties in areas zoned for low-density residential use.
 7. A new tower on properties in areas zoned for medium-density residential use.
- B. If the proposed site is not proposed for the highest priority listed above, then a detailed explanation must be provided as to why a site of a higher priority was not selected. The person seeking such an exception must satisfactorily demonstrate the reason or reasons why such a permit should be granted for the proposed site, and the hardship that would be incurred by the applicant if the permit were not granted for the proposed site.
- C. An applicant may not bypass sites of higher priority by stating the site proposed is the only site leased or selected. An application shall address co-location as an option. If such option is not proposed, the applicant must explain to the reasonable satisfaction of the Planning Board why co-location is commercially or otherwise impracticable. Agreements between providers limiting or prohibiting co-location shall not be a valid basis for any claim of commercial impracticability or hardship.
- D. Notwithstanding the above, the Planning Board may approve any site located within an area in the above list of priorities, provided that the Planning Board finds that the proposed site is in the best interest of the health, safety and welfare of the Village and its inhabitants and will not have a deleterious effect on the nature and character of the community and neighborhood.
- E. The applicant shall submit a written report demonstrating the applicant's review of the above locations in order of priority, demonstrating the technological reason for the site selection. If appropriate, based on selecting a site of lower priority, a detailed written explanation as to why sites of a higher priority were not selected shall be included with the application.
- F. Notwithstanding that a potential site may be situated in an area of highest priority or highest available priority, the Planning Board may disapprove an application for any of the following reasons:
1. Conflict with safety and safety-related codes and requirements;
 2. Conflict with the historic nature or character of a neighborhood, structure, or historical district;
 3. The use or construction of wireless telecommunication facilities would create an unreasonable risk to the health of protected and/or endangered species of animal, flora or fauna;
 4. The use or construction of wireless telecommunications facilities which is contrary to an already stated purpose of a specific zoning or land use designation;
 5. The placement and location of wireless telecommunications facilities which would create an unacceptable risk, or the reasonable probability of such, to residents, the public, employees and agents of the Village, or employees of the service provider or other service providers; or
 6. Conflicts with the provisions of this Article.

Section 17.09 – Shared Use of Wireless Telecommunications Facilities and Other Structures

- A. The Village shall prefer locating wireless telecommunications facilities on existing towers or other structures, without increasing the height, over the construction of a new tower. The

applicant shall submit a comprehensive report inventorying existing towers and other suitable structures within four (4) miles of the location of any proposed new tower, unless the applicant can show that some other distance is more reasonable and demonstrate conclusively why an existing tower or other suitable structure cannot be used.

- B. An applicant intending to locate on an existing tower or other suitable structure shall be required to document the intent of the existing owner to permit its use by the applicant.
- C. To the extent practicable, the primary function of such shared use should be to provide service within the Village.

Section 17.10 – Height

- A. The applicant shall submit documentation justifying the total height of any tower, facility, and/or antenna requested and the basis therefor. Documentation in the form of propagation studies must include all backup data used to perform at requested height and a minimum of ten (10) feet lower height to allow verification of this height need. Such documentation will be analyzed in the context of the justification of the height needed to provide service primarily and essentially within the Village, to the extent practicable, unless good cause is shown.
- B. No tower constructed after the effective date of this Article, including allowing for all attachments, shall exceed that height which shall permit operation without required artificial lighting of any kind in accordance with municipal, Village, state, and/or any federal statute, law, local law, Village law, code, rule, or regulation.

Section 17.11 – Visibility

- A. Wireless telecommunications facilities shall not be artificially lighted or marked, except as required by law.
- B. Towers shall be galvanized and/or painted with a rust-preventive paint of an appropriate color to harmonize with the surroundings and shall be maintained in accordance with the requirements of this Article.
- C. If lighting is required, the applicant shall provide a detailed plan for sufficient lighting of as unobtrusive and inoffensive an effect as is permissible under state and federal regulations.

Section 17.12 – Security

- A. All wireless telecommunications facilities and antennas shall be located, fenced, or otherwise secured in a manner that prevents unauthorized access. Specifically:
 - 1. All antennas, towers and other supporting structures, including guy anchor points and wires, shall be made inaccessible to individuals and constructed or shielded in such a manner that they cannot be climbed or collided with; and
 - 2. Transmitters and telecommunications control points shall be installed in such a manner that they are readily accessible only to persons authorized to operate or service them.

Section 17.13 – Signage

- A. Wireless telecommunications facilities shall contain a sign no larger than four (4) square feet in order to provide adequate notification to persons in the immediate area of the presence of RF radiation or to control exposure to RF radiation within a given area. A sign of the same size is also to be installed to contain the name(s) of the owner(s) and operator(s) of the antenna(s) as well as an emergency phone number(s). The sign shall be on the equipment shelter or cabinet of the applicant and be visible from the access point of the site and must identify the equipment owner of the shelter or cabinet. On tower sites, an FCC registration sign, as applicable, is also

to be present. The signs shall not be lighted, unless applicable law, rule, or regulation requires lighting. No other signage, including advertising, shall be permitted.

Section 17.14 – Lot Size and Setbacks

- A. All proposed towers and any other proposed wireless telecommunications facility structures shall be set back from abutting parcels, recorded rights-of-way and road and street lines by a distance equal to the height of the proposed tower or wireless telecommunications facility structure plus 10% of the height of the tower or structure. Any accessory structure shall be located so as to comply with the applicable minimum setback requirements for the property on which it is situated.

Section 17.15 – Small Cell/5G Requirements

- A. No person shall install a small cell facility without first obtaining a special use permit from the Planning Board for such facility.
- B. The Planning Board shall approve a special use permit for a small cell facility concerning any eligible facilities request for modification of an eligible support structure that does not substantially change the physical dimensions of such structure. An applicant shall assert in writing that its request is considered an eligible facilities request. The Planning Board may require the applicant to provide documentation or information only to the extent reasonably related to determine whether the request meets the requirements of an eligible facilities request.
- C. The Planning Board may issue a special use permit for the following:
 - 1. Collocation of a small cell facility or DAS facility on an existing tower, utility pole or streetlight on public or private property.
 - 2. Collocation on existing buildings within the Village of Aurora.
 - 3. Installation of a monopole or utility pole for small cell or DAS facility in the public right-of-way that does not exceed fifty (50) feet in height.
- D. Small cell special use permit application for Planning Board approval. The small cell permit application shall be made by the wireless telecommunications provider or its duly authorized representative and shall contain the following:
 - 1. The applicant's name, mailing address, email address and phone number;
 - 2. The names, mailing addresses, email addresses and phone numbers of all consultants, if any acting on behalf of the applicant with respect to the filing of the application;
 - 3. A general description of the proposed work and the purpose of the work proposed;
 - 4. Identify and disclose the number and locations of any small cells that the applicant has installed or locations the applicant has considered in the past year for small cell infrastructure within the Village and those submitted or anticipated to be submitted within a one- year period.
 - 5. A description of the anticipated maintenance needs, including frequency of service, personnel needs and equipment needs, and the potential traffic safety and noise impact of such maintenance; and
 - 6. Any amendment to information contained in a small cell special use permit application shall be submitted in writing to the Planning Board within 30 days after the change necessitating the amendment.
- E. A wireless telecommunications provider shall pay to the Village an application fee and administrative fee as set forth in this Article.

1. A wireless telecommunications provider is authorized, after 30 days written notice to the Zoning Officer, to remove its facility at any time from the rights-of-way and cease paying the Village the administrative fee.
- F. Location of small cell facility approved by the Planning Board. The following locational priorities shall apply in the order specified, consistent with the Village's obligation to create the least amount of adverse aesthetic impact and to preserve the scenic values of the Village:
1. On the roof of any City owned or federal, state or local government owned buildings or structures.
 2. Location on privately -owned buildings
 3. Location on an existing Village owned utility poles
 4. Location on Village-owned infrastructure on private poles
 5. Location on Village-owned property, where there is no existing pole
 6. Location on privately owned utility poles.
 7. If the proposed site is not the highest priority listed above, then a detailed explanation must be provided as to why a site of higher priority was not selected. The person seeking such an exemption must satisfactorily demonstrate the reason or reasons why such a permit should be granted for the proposed site and the hardship that would be incurred by the applicant if the permit were not granted for the proposed use.
- G. Small Cell Facility Permit Fees. Unless otherwise provided by law, all applications for small cell building/work permits pursuant to this Article shall be accompanied by a fee for actual, direct, and reasonable costs incurred by the Village of Aurora related to processing the application, but shall not exceed \$500 each for up to five (5) small cell wireless telecommunications facilities addressed in the application and \$100 for each additional small cell wireless telecommunications facility, or \$1,000 each for applications involving the installation of a new pole (i.e., not a co-location).
1. Fee start date: The annual permit fee shall be payable January 2 of the year following installation. Failure to pay the annual permit fee shall result in the imposition of a 5% penalty fee, additional collection fees if necessary, and suspension or revocation of the permit.
- H. Small Cell Facility Rates.
1. Small Wireless Facility Administration Rate. A wireless telecommunications provider authorized to place small cell wireless telecommunications facilities (including new utility poles or other wireless telecommunications support structures) in the rights-of-way shall pay to the Village of Aurora the rate of \$270 annually per small cell wireless telecommunications facility.
 2. Attachment Rate. The rate to place a small cell wireless telecommunications facility on a Village-owned pole in the right-of-way shall be \$20 per year per Village-owned pole. Such compensation, together with the application fee and the ROW administration rate specified in this Article, shall be the sole compensation that the wireless provider shall be required to pay the Village.
 3. Cease Payment. A wireless provider is authorized to remove its facilities at any time from a Village-owned pole in the rights-of-way and cease paying the annual rate to the Village.
 4. Make-Ready. For Village-owned utility poles in the rights-of-way, the Village of Aurora shall provide a good faith description of any make-ready work necessary to enable the pole to support the requested small cell wireless telecommunications facility, including pole

replacement, if necessary, within sixty (60) days after receipt of a completed application. Any make-ready work, including pole replacements, shall be performed by the provider or its qualified contractor.

- I. Planning Board requirements as to aesthetics and neighborhood impact mitigation for small cell permits. In order to preserve the character and integrity of village neighborhoods the Village Board of Trustees finds that the following requirements are essential to protect the public health, safety and welfare, and scenic preservation.
 1. New small cell facilities shall not be located in the Aurora Village-Wells College Historic Overlay District, unless the applicant demonstrates to the Planning Board's satisfaction that the selected site is necessary to provide adequate service and the applicant receives a Certificate of Appropriateness from the Community Preservation Panel.
 2. New small cell facilities shall include stealth technology designs, unless the Planning Board makes a written determination that such designs are not feasible.
 3. The Planning Board may consider alternative locations for equipment, whether pole mounted or ground mounted.
 4. All small cells placed on any roof shall be setback at least fifteen (15) feet from the edge of the roof along any street frontage, unless the Planning Board makes a written determination waiving the setback requirement.
 5. The Planning Board shall consider all impacts to site lines and aesthetic views.
 6. Except within the public right of way, all proposed poles, pole equipment and enclosures shall comply with the designated setback requirements.
 7. Up to three (3) small cells will be allowed per utility pole if technically feasible and if in the determination of the Planning Board there are no safety or aesthetic concerns. Small cells must be designed and placed in an aesthetically pleasing manner to the reasonable satisfaction of the approving agency.
 8. No small cell placement shall be allowed on ornamental street lighting poles.
 9. No small cell facilities shall obstruct pedestrian or vehicular traffic in any way.
 10. In no event shall any utility pole or wireless telecommunication support structure installed in the public right of way, exceed fifty (50) feet in height, unless approved as part of the special use permit. A shorter pole may be required if the initial proposal is deemed out of character of with the neighborhood as determined by the Planning Board.
 11. Each new small cell facility, including antennas or other associated equipment, installed in the public right-of-way shall not exceed more than ten (10) feet above the existing utility pole or wireless telecommunications support structure on which it is being located, unless approved as part of the special use permit.
- J. The Secretary of the Planning Board shall forward a copy of the Planning Board decision to the Tax Assessor to allow the Village to better assess the utility infrastructure for wireless telephone facilities.
- K. Duration. Construction pursuant to a small cell permit issued by the Planning Board under this section must be commenced within twelve (12) months of issuance of the small cell permit and diligently pursued thereafter, or such small cell permit shall expire.
- L. Routine Maintenance and Replacement. An application shall not be required for: 1) routine maintenance; and 2) the replacement or upgrade of a small cell facility with another small cell facility that is same as or smaller in size and height at the same location.

- M. Information Updates. Any amendment to information contained in a small cell building/work permit application shall be submitted in writing to the Village within thirty (30) days after the change necessitating the amendment. On an annual basis, the wireless telecommunication provider shall provide a list of existing small cell locations within the Village.
- N. Removal, relocation or modification of small cell facility in the public right-of-way.
- O. Notice. Within ninety (90) days following written notice from the Village, the wireless provider shall, at its own expense, protect, support, temporarily or permanently disconnect, remove, relocate, change or alter the position of any small facilities within the public right-of-way whenever the Village has determined that such removal, relocation, change or alteration, is necessary for the construction, repair, maintenance, or installation of any Village improvement in or upon, or the operations of the Village in or upon, the public right-of-way.
- P. Abandonment of Facilities. Upon abandonment of a small facility within the public rights-of-way of the Village, the wireless provider shall notify the Village within ninety (90) days. Following receipt of such notice the Village may direct the wireless provider to remove all or any portion of the small cell facility if the Village, or nay of its departments, determines that such removal will be in the best interest of the public health, safety and welfare.

Section 17.16 – Retention of Expert Assistance and Reimbursement by Applicant

- A. The Village may retain such consultants as it deems to be properly experienced, qualified, and necessary to assist the Planning Board in reviewing and evaluating any application for a wireless telecommunications facility received pursuant to this Article.
- B. Applications for such facilities shall contain a deposit intended to reimburse the Village for the reasonable anticipated costs of review and evaluation by such consultants, in the amounts described below. Such deposit is intended by the Village to bear a reasonable relation to the average cost needed to undertake the review deemed necessary pursuant to this Article in order to protect the health and safety of its citizens and the environment. The total cost of the review may vary based upon the scope and complexity of the proposed project, the completeness of the application or certification or any other information as may be needed to complete the necessary review by the consultants.
- C. Applications for new towers, with the exception of those designated for small cell wireless telecommunications facilities, shall include an initial deposit in the amount of \$5,000.
- D. Applications for modification of existing towers, including co-locations of facilities onto existing towers, with the exception of those designated for small cell wireless telecommunications facilities, shall include an initial deposit in the amount of \$2,000.
- E. The Village shall maintain a separate escrow account for all deposits received pursuant to this section. The Planning Board’s consultants shall invoice the Village for its services in reviewing the application, and such invoices shall be paid out of the funds deposited into such accounts. In the event that the consultant determines that the review has or shall exceed the amount initially deposited into the escrow, the consultant shall provide a justification to the Planning Board and Village Board of Trustees with the reasons such review shall exceed the amount of such escrow, including any unusual factors requiring further review. The Village Board of Trustees, in consultation with the Planning Board, shall then determine in its reasonable discretion whether additional review is required and, if so, the amount of additional deposit that such additional review will require, and it shall notify the applicant that an additional deposit to the escrow fund is required, the reasons why the Village Board of Trustees has determined that such additional review is necessary, and the amount of additional funds that must be deposited by the applicant. In such an event, further funds must be deposited by the applicant before any further action is taken on the application. Such justification by the

consultant and determination by the Village Board of Trustees, in consultation with the Planning Board, shall be required each time the escrow account is nearing depletion and it is determined that additional review is required by the consultant.

- F. In the event that funds remain in the escrow account at the conclusion of the review and invoicing by the Planning Board's consultant, any remaining balance shall be promptly refunded to the applicant.
- G. The Planning Board shall make every effort to communicate with its consultants to ensure that the breadth and scope of the review by its consultants is reasonable and necessary based upon the facts and circumstances of each particular application.
- H. The Village Board of Trustees may reduce the amount of the initial deposit if it determines, in its reasonable discretion following administration of an adequate number of applications to make an informed determination, that the average cost needed to undertake the necessary review is less than the amount of the deposit required herein.

Section 17.17 – Public Hearing and Notification Requirements

- A. Prior to the approval of any application for a Special Use Permit for new wireless telecommunications facilities, a public hearing shall be held by the Planning Board, notice of which shall be published in the official newspaper of the Village no less than five (5) calendar days prior to the scheduled date of the public hearing. In order that the Planning Board may notify nearby landowners, the application shall contain the names and addresses of all landowners whose property is located within one thousand five hundred (1,500) feet of any property line of the lot or parcel on which the new wireless telecommunications facilities are proposed to be located.
- B. No public hearing shall be held for an application to co-locate or modify an existing tower or other structure, provided that the application will not substantially change the physical dimensions of such tower or other structure as defined in this Article.
- C. The Planning Board shall schedule and conduct the public hearing referred to in Subsection A of this section within sixty (60) calendar days once it finds the application is complete; the Planning Board, at any stage prior to issuing a Special Use Permit, may require such additional information as it deems necessary.
 - 1. For applications that propose only the co-location of tower structures, the Planning Board shall schedule and conduct the public hearing referred to in Subsection A of this section within thirty (30) calendar days once it finds the application is complete; the Planning Board, at any stage prior to issuing a Special Use Permit, may require such additional information as it deems necessary.

Section 17.18 – Action on Application for Special Use Permit

- A. Action on application for modification of an existing wireless tower or base station including co-location.
 - 1. Within thirty (30) calendar days following receipt of an application from the applicant, the Planning Board shall provide written notice regarding the completeness of such application.
 - a. The approval shot clock for applications shall start at the time of applicant submittal but notice of incompleteness from the Planning Board shall delay the start of the approval shot clock until resubmission by the applicant.
 - 2. The Planning Board may in its reasonable discretion require the applicant to demonstrate that the application for modification including co-location does not substantially change the physical dimensions of the existing wireless tower or base station, that it meets any

required concealment elements of the existing tower or base stations, and/or that it complies with conditions associated with any previous approval of construction or modification of the existing tower or base station, unless the noncompliance results from: an increase in height; an increase in width; the addition of cabinets; or new excavation that does not exceed the thresholds identified in this Article.

3. The Planning Board may in its reasonable discretion require the applicant to demonstrate that the application for co-location or modification conforms to generally applicable building, structural, electrical, and safety codes and to other laws codifying objective standards that are reasonably related to health and safety.
 4. Referral to the County Planning Board must be made at least ten (10) business days before the required public hearing by the Planning Board under provisions of Section 239-1, m & n of the New York State General Municipal Law.
 5. The Planning Board shall make a decision on the application within sixty-(60) calendar days after such hearing and file said decision within five (5) business days after the day such decision was rendered with the Village Clerk and mail such decision to the applicant with a copy to the Zoning Officer. The time within which a decision must be rendered may be extended by mutual consent of the applicant and the Planning Board.
 - a. For applications that propose only the co-location of tower structures, the Planning Board shall make a decision on the application within thirty (30) calendar days after such hearing and file said decision within five (5) business days after the day such decision was rendered with the Village Clerk and mail such decision to the applicant with a copy to the Zoning Officer. The time within which a decision must be rendered may be extended by mutual consent of the applicant and the Planning Board.
 6. In taking final action, the Planning Board shall approve any application that does not substantially change the physical dimensions of the existing wireless tower or base station as defined herein, provided that the application conforms to generally applicable building, structural, electrical, and safety codes and to other laws codifying objective standards that are reasonably related to health and safety.
 7. In the event of denial of the application, the Planning Board shall inform the applicant of the basis for denial in writing.
 8. Following approval of an application for modification of an existing wireless tower or base station including co-location, no further permits or approvals from the Planning Board shall be required except for applicable building permits and certificates of compliance.
- B. Action on all other applications pursuant to this Article.
1. The Planning Board will undertake a review of an application pursuant to this Article in a timely fashion, consistent with its responsibilities, and shall act within a reasonable period of time given the relative complexity of the application and the circumstances, with due regard for the public's interest and need to be involved, and the applicant's desire for a timely resolution.
 2. The Planning Board may refer any application or part thereof to any advisory or other committee for a nonbinding recommendation.
 3. After the public hearing and after formally considering the application, the Planning Board may approve, approve with conditions, or deny a Special Use Permit. Its decision shall be in writing and shall be supported by substantial evidence contained in a written record. The burden of proof for the granting of the permit shall always be upon the applicant.

4. If the Planning Board approves the Special Use Permit for wireless telecommunications facilities, then the applicant shall be notified of such approval, in writing, within five (5) business days of the Planning Board's action, and the Special Use Permit shall be issued within thirty (30) calendar days after such approval. Except for necessary building permits and subsequent certificates of compliance, once a Special Use Permit has been granted hereunder, no additional permits or approvals from the Planning Board, such as site plan or zoning approvals, shall be required by the Planning Board for the wireless telecommunications facilities covered by the Special Use Permit.
5. If the Planning Board denies the Special Use Permit for wireless telecommunications facilities, then the applicant shall be notified of such denial in writing within five (5) business days of the Planning Board's action.
6. Appeals. An appeal from any final decision of the Planning Board may be taken within thirty (30) days of the filing of such decision by any person aggrieved or by any authorized officer, Code Enforcement Officer or board of the Village by filing such request with the New York State Supreme Court in accordance with Article 78 of the New York Civil Practice Law and Rules.

Section 17.19 – Extent and Parameters of Special Use Permit

- A. The extent and parameters of a Special Use Permit for wireless telecommunications facilities shall be as follows:
 1. Such Special Use Permit shall not be assigned, transferred, or conveyed without the express prior written notification to the Planning Board. Any purported transfer of the Special Use Permit without the express written authority of the Planning Board shall cause the Special Use Permit to be null and void.
 2. Such Special Use Permit may, following a hearing by the Planning Board upon due prior notice to the applicant, be revoked, canceled, or terminated for a violation of the conditions and provisions of the Special Use Permit, or for a material violation of this Article after prior written notice to the holder of the Special Use Permit in accordance with Section 6.06 of this Local Law.

Section 17.20 – Application Fee

- A. Together with submission of any application for a Special Use Permit, all applicants shall pay a nonrefundable application fee in the following amounts:
 1. For construction of new wireless telecommunications facilities: \$2,500.
 2. For modification, including co-location of wireless telecommunications facilities on existing towers or structures: \$750.
- B. Required fees for Special Use Permit applications for small cell wireless telecommunications facilities shall adhere to Section 17.15 G of this Law.
- C. Such application fee is intended as a regulatory measure to recoup the costs associated with administration, including issuance, inspection, and enforcement of such Special Use Permit by the Village.

Section 17.21 – Performance Security

- A. The applicant and the owner of record of any proposed wireless telecommunications facilities property site shall, at its cost and expense, be jointly required to execute and file with the Village a bond, or other form of security acceptable to the Village Board of Trustees as to type of security and the form and manner of execution, in an amount of at least \$75,000 for a tower

facility and \$25,000 for a co-location on an existing tower or other structure and with such sureties as are deemed sufficient by the Village Board of Trustees to assure the faithful performance of the terms and conditions of this Article and conditions of any Special Use Permit issued pursuant to this Article. The full amount of the bond or security shall remain in full force and effect throughout the term of the Special Use Permit and/or until any necessary site restoration is completed to restore the site to a condition comparable to that which existed prior to the issuance of the original Special Use Permit.

Section 17.22 – Reservation of Authority to Inspect Wireless Telecommunications Facilities

- A. In order to verify that the holder of a Special Use Permit for wireless telecommunications facilities and any and all lessees, renters, and/or licensees of wireless telecommunications facilities place and construct such facilities, including towers and antennas, in accordance with all applicable technical, safety, fire, building, and zoning codes, laws, and regulations and other applicable requirements, the Village may inspect all facets of said permit holder's, renter's, lessee's or licensee's placement, construction, modification and maintenance of such facilities, including, but not limited to, towers, antennas and buildings or other structures constructed or located on the permitted site. Inspections by the Village shall be made on a semi-annual basis and shall include a safety report from the Village Engineer to be provided to the Village Board of Trustees and Planning Board.
- B. The owner of the telecommunication tower and/or facilities shall annually file a declaration with the Village as to the continuing operation of every facility installed subject to this Local Law.
- C. The Planning Board may require, as a condition of approval of the Special Use Permit, that the applicant post a decommissioning bond with the Village, separate and apart from the Performance Bond referenced in section 17.21 above, to allow the Village to have ample security on hand to have an unused or abandoned tower and/or other facilities removed if the owner fails to do so with the prescribed period of time.

Section 17.23 – Liability Insurance

- A. A holder of a Special Use Permit for wireless telecommunications facilities shall secure and at all times maintain public liability insurance for personal injuries, death and property damage, and umbrella insurance coverage, for the duration of the Special Use Permit in amounts as set forth below:
 - 1. Commercial general liability covering personal injuries, death and property damage: \$1,000,000 per occurrence/\$2,000,000 aggregate.
 - 2. Automobile coverage: \$1,000,000 per occurrence/\$2,000,000 aggregate.
 - 3. Workers' compensation and disability: statutory amounts.
- B. For a wireless telecommunications facility on Village property, the commercial general liability insurance policy shall specifically include the Village and its officers, boards, employees, committee members, attorneys, agents, and consultants as additional insureds.
- C. The insurance policies shall be issued by an agent or representative of an insurance company licensed to do business in the state and with a Best's rating of at least A.
- D. The insurance policies shall contain an endorsement obligating the insurance company to furnish the Village with at least thirty (30) calendar days' prior written notice in advance of the cancellation of the insurance.
- E. Renewal or replacement policies or certificates shall be delivered to the Village at least fifteen (15) calendar days before the expiration of the insurance that such policies are to renew or replace.

- F. Before construction of a permitted wireless telecommunications facilities is initiated, but in no case later than fifteen (15) calendar days after the grant of the Special Use Permit, the holder of the Special Use Permit shall deliver to the Village a copy of each of the policies or certificates representing the insurance in the required amounts.

Section 17.24 – Indemnification

- A. Any application for wireless telecommunications facilities that is proposed for Village property, pursuant to this Article, shall contain a provision with respect to indemnification. Such provision shall require the applicant, to the extent permitted by the Law, to at all times defend, indemnify, protect, save, hold harmless, and exempt the Village, and its officers, boards, employees, committee members, attorneys, agents, and consultants from any and all penalties, damages, costs, or charges arising out of any and all claims, suits, demands, causes of action, or award of damages, whether compensatory or punitive, or expenses arising therefrom, either at law or in equity, which might arise out of, or are caused by, the placement, construction, erection, modification, location, products performance, use, operation, maintenance, repair, installation, replacement, removal, or restoration of said facility, excepting, however, any portion of such claims, suits, demands, causes of action or award of damages as may be attributable to the negligent or intentional acts or omissions of the Village, or its servants or agents. With respect to the penalties, damages, or charges referenced herein, reasonable attorneys' fees, consultants' fees, and expert witness fees are included in those costs that are recoverable by the Village.
- B. Notwithstanding the requirements noted in Subsection A of this section, an indemnification provision will not be required in those instances where the Village itself applies for and secures a Special Use Permit for wireless telecommunications facilities.

Section 17.25 – Fines

- A. In the event of a violation of this Article or any Special Use Permit issued pursuant to this Article, the Village may impose and collect, and the holder of the Special Use Permit for wireless telecommunications facilities shall pay to the Village, fines, or penalties as set forth below.
- B. Violators of this Article or the holder of a Special Use Permit's failure to comply with provisions of this Article shall constitute a violation and shall subject the applicant to be liable to a fine or penalty of twice the application fee for a new tower application or \$10,000; or if co-locating on an existing tower, twice the application fee for co-locating on an existing tower or \$5,000. Each one week's continued violation shall constitute a separate additional violation.

Section 17.26 – Default and/or Revocation

- A. If a wireless telecommunications facility is repaired, rebuilt, placed, moved, relocated, modified, or maintained in a way that is inconsistent or not in compliance with the provisions of this Article or of the Special Use Permit, then the Village shall notify the holder of the Special Use Permit in writing of such violation. A permit holder in violation may be considered in default and subject to fines as in Section 17.25, and if a violation is not corrected to the satisfaction of the Village in a reasonable period of time the Special Use Permit is subject to revocation.

Section 17.27 – Removal

- A. Under the following circumstances, the Village Board of Trustees may determine that the health, safety, and welfare interests of the Village warrant and require the removal of wireless telecommunications facilities:

1. Wireless telecommunications facilities with a permit have been abandoned (i.e., not used as wireless telecommunications facilities) for a period exceeding ninety (90) consecutive calendar days or a total of one hundred eighty (180) calendar days in any period of three hundred sixty-five (365) calendar days, except for periods caused by force majeure or Acts of God, in which case, repair or removal shall commence within ninety (90) calendar days.
 2. Permitted wireless telecommunications facilities fall into such a state of disrepair that they create a health or safety hazard.
 3. Wireless telecommunications facilities have been located, constructed, or modified without first obtaining, or in a manner not authorized by, the required Special Use Permit, or any other necessary authorization and the Special Use Permit may be revoked.
- B. If the Village Board of Trustees makes such a determination as noted in Subsection A of this section, then the Village Board of Trustees shall notify the holder of the Special Use Permit for the wireless telecommunications facilities within forty-eight (48) hours that said wireless telecommunications facilities are to be removed; the Village Board of Trustees may approve an interim temporary use agreement/ permit, such as to enable the sale of the wireless telecommunications facilities.
- C. The holder of the Special Use Permit, or its successors or assigns, shall dismantle and remove such wireless telecommunications facilities, and all associated structures and facilities, from the site and restore the site to as close to its original condition as is possible, such restoration being limited only by physical impracticability, within 90 calendar days of receipt of written notice from the Village. However, if the owner of the property upon which the wireless telecommunications facilities are located wishes to retain any access roadway to the wireless telecommunications facilities, the owner may do so with the approval of the Village Board of Trustees.
- D. If wireless telecommunications facilities are not removed or substantial progress has not been made to remove the wireless telecommunications facilities within ninety (90) calendar days after the permit holder has received notice, then the Village Board of Trustees may order officials or representatives of the Village to remove the wireless telecommunications facilities at the sole expense of the owner or Special Use Permit holder. The Village may access any decommissioning bond, as required by Section 17.07, Z, as deemed necessary within the ninety (90) day timeframe above to cover the cost of removal.
- E. If, the Village removes, or causes to be removed, wireless telecommunications facilities, and the owner of the wireless telecommunications facilities does not claim and remove them from the site to a lawful location within ten (10) calendar days, then the Village Board of Trustees may take steps to declare the wireless telecommunications facilities abandoned and sell them and their components.
- F. Notwithstanding anything in this section to the contrary, the Village Board of Trustees may approve a temporary use permit/agreement for the wireless telecommunications facilities, for no more than ninety (90) calendar days, during which time a suitable plan for removal, conversion, or relocation of the affected wireless telecommunications facilities shall be developed by the holder of the Special Use Permit, subject to the approval of the Village Board of Trustees, and an agreement to such plan shall be executed by the holder of the Special Use Permit and the Village. If such a plan is not developed, approved and executed within the ninety (90) day timeframe, then the Village may take possession of and dispose of the affected wireless telecommunications facilities in the manner provided in this section.

Section 17.28 – Relief

- A. Any applicant desiring relief, waiver or exemption from any aspect or requirement of this Article may request such provided that the relief or exemption is contained in the submitted application for either a Special Use Permit or, in the case of an existing or previously granted Special Use Permit, a request for modification of its tower and/or facilities. Such relief may be temporary or permanent, partial or complete. However, the burden of proving the need for the requested relief, waiver, or exemption is solely on the applicant. The applicant shall bear all costs of the Village in considering the request and the relief, waiver or exemption. No such relief or exemption shall be approved unless the applicant demonstrates by clear and convincing evidence that, if granted, the relief, waiver or exemption will have no significant effect on the health, safety, and welfare of the Village, its residents and other service providers. All area variances for relief from setback requirements must be referred to and approved by the Zoning Board Appeals.

Section 17.29 – Periodic Regulatory Review by Village

- A. The Village Board of Trustees may at any time conduct a review and examination of this entire Article.
- B. If, after such a periodic review and examination of this Article, the Village Board of Trustees determines that one or more provisions of this Article should be amended, repealed, revised, clarified, or deleted, then the Village Board of Trustees may take whatever measures are necessary in accordance with applicable Law in order to accomplish the same. It is noted that where warranted, and in the best interests of the Village, the Village Board of Trustees may repeal this entire Article at any time.
- C. Notwithstanding the provisions of Subsections A and B of this section, the Village Board of Trustees may at any time and in any manner (to the extent permitted by federal, state, or local law) amend, add, repeal, and/or delete one or more provisions of this Article.

Section 17.30 – Adherence to State and/or Federal Rules and Regulations

- A. To the extent that the holder of a Special Use Permit for wireless telecommunications facilities has not received relief, or is otherwise exempt, from appropriate state and/or federal agency rules or regulations, then the holder of such a Special Use Permit shall adhere to, and comply with, all applicable rules, regulations, standards, and provisions of any state or federal agency, including, but not limited to, the FAA and the FCC. Specifically included in this requirement are any rules and regulations regarding height, lighting, security, electrical and RF emission standards.
- B. To the extent that applicable rules, regulations, standards, and provisions of any state or federal agency, including, but not limited to, the FAA and the FCC, and specifically including any rules and regulations regarding height, lighting, and security, are changed and/or are modified during the duration of a Special Use Permit for wireless telecommunications facilities, then the holder of such a Special Use Permit shall conform the permitted wireless telecommunications facilities to the applicable changed and/or modified rule, regulation, standard, or provision within a maximum of twenty-four (24) months of the effective date of the applicable changed and/or modified rule, regulation, standard, or provision, or sooner as may be required by the issuing entity.

Section 17.31 – Conflict with Other Laws

- A. Where this Article differs or conflicts with other laws, rules and regulations, unless the right to do so is preempted or prohibited by the Village, state or federal government, this Article shall apply.

ARTICLE XVIII: ADMINISTRATION

Section 18.01 – Conformance Required

- A. No building or land shall be used or occupied and no building or part thereof shall be erected, moved, or altered except in conformity with the regulations herein set forth for the zoning district in which it is located.
- B. No application for a land use permit, site plan, special permit, subdivision, interpretation of any law, rule, or regulation, zoning district change, map amendments or variances shall be accepted where there are existing violations or delinquent real estate, school, village, or county taxes and/or assessments assessed against the subject property and/or fees imposed by local law, except where such application is intended to cure the violations. Additionally, proof that all local, state, and federal regulations and permits have been complied with or obtained shall be submitted as part of the application.

Section 18.02 – Zoning Officer Powers and Duties

- A. The provisions of this Local Law shall be administered and enforced by the Zoning Officer who shall be appointed by the Mayor, with the approval of the Village Board of Trustees. The Zoning Officer shall have the duty and power to:
 - 1. Maintain a map showing the current zoning classification of all land.
 - 2. Receive and examine all applications for Zoning Permits required by this Local Law.
 - 3. Receive, direct, and consult on applications as appropriate for Special Use Permits, Site Plans, and Subdivisions to the Planning Board, Community Preservation Panel, and Zoning Board of Appeals for their action.
 - 4. Issue Zoning Permits and Certificates of Compliance only when there is compliance with the provisions of this Local Law and with other Local Laws provided, however, the issuance of a Zoning Permit shall not be deemed a waiver of the requirements of any other Village of Aurora Law.
 - 5. Following refusal of a permit, to receive applications for variances and appeals from alleged error of the Zoning Officer and forward these applications to the Zoning Board of Appeals for action thereon.
 - 6. Conduct periodic inspections and surveys to determine compliance or non-compliance with the terms of this Local Law.
 - 7. Receive, review, and take action on zoning violation complaints submitted by residents; business owners or employees; or the Village Board of Trustees, Planning Board, Zoning Board of Appeals, or Community Preservation Panel. All complaints shall be submitted in writing to the Village Clerk on the form provided by the Village available at the Village Clerk's office. The Village Clerk shall forward all complaints to the Zoning Officer within five (5) business days of receipt and the Zoning Officer shall investigate all complaints within five (5) business days of receipt from the Village Clerk.
 - 8. Cause any plans, structures or premises to be examined or inspected to determine compliance with the provisions of this Local Law. In the fulfillment of these duties, the Zoning Officer shall be authorized to enter any premise or structure at a reasonable time and upon reasonable notice to determine whether or not the same is in violation of this Local Law and may impose such reasonable conditions including but not limited to issuing violations and fines in accordance with Section 18.10 as may be deemed necessary to ensure compliance.

9. Revoke by order, a Zoning Permit issued under a mistake of fact or contrary to the law or the provisions of this Local Law.
10. For violations of this Local Law:
 - a. Notify, in writing, the person responsible for such violations, indicating the nature of the violation and ordering the action to correct it.
 - b. Issue stop, cease, and desist orders, and order, in writing, discontinuance of illegal uses of land, buildings or structures; removal of illegal buildings or structures, or of illegal additions, alterations or structural changes; and correction of all conditions found to be in violation of the provisions of this Local Law. Such written orders shall be served personally or by certified mail upon persons, firms, or corporations deemed by the Zoning Officer to be violating the terms of this Local Law. It shall be unlawful for any person to violate any such order lawfully issued by the Zoning Officer, and any person violating any such order shall be guilty of a violation of this Local Law; or
 - c. Take any other action authorized by this Local Law to ensure compliance with or to prevent violation of its provisions.
11. Submit an annual report to the Village Board of Trustees listing all applications received, inspections made, referrals and action taken on each. Copies of this report shall be transmitted to the Zoning Board of Appeals and Planning Board at the same time.
12. Provide the Zoning Board of Appeals, in writing, with all facts pertaining to the refusal to issue a zoning permit when such information is requested by the Board. For denied zoning permits provide, in writing, the specific reasons for denial and instruct the applicant on the proper methods to apply for relief.
13. Upon the request of the Village Board of Trustees, the Planning Board, the Community Preservation Panel, or the Zoning Board of Appeals, shall present to such bodies facts, records, or reports that they may request to assist them in the making of decisions.

Section 18.03 – Zoning Permits

- A. No structure shall be erected, constructed, extended, or moved and no land or building changed in use until a Zoning Permit has been secured from the Zoning Officer. Upon completion or changes in use or construction, reconstruction, extension, or moving of structures, the applicant shall notify the Zoning Officer of such completion.
- B. No permit shall be considered as complete or as permanently effective until the Zoning Officer has noted on the permit that the work and use has been inspected and approved as being in conformity with the provisions of this Local Law.
- C. Zoning Permits shall be issued with a one (1) year life, renewable for an additional year, provided, however, that if the work is not commenced within one hundred eighty (180) days after the issuance of the Zoning Permit, the permit shall automatically expire and a new permit shall be required before such work or change in uses commences. Permits are not assignable.
- D. Application Requirements for Zoning Permits.
 1. All applications for Zoning Permits shall be made in writing by the owner, tenant, vendee under contract for sale, or authorized agent on an Application for Zoning Permit form supplied by the Village available in the Village Clerk's Office, and shall be filed with the Zoning Officer. The NYS Uniform Fire Prevention and Building Code may require additional permits. The application shall include:
 - a. A statement as to the proposed use of the building or land;

- b. A site layout drawn to the scale of ten (10) feet to the inch, showing the location, dimensions, and height of proposed buildings, structures, or uses and any existing buildings and their uses in relation to property and street lines;
 - c. The number, location, and design of parking spaces and loading spaces, if applicable;
 - d. The size, dimensions, location, and methods of illumination for signs and outdoor lighting, if applicable;
 - e. Any additional plans and information reasonably necessary for the Zoning Officer to ascertain whether the proposed use, change in use, erection, alteration, or addition complies with the provisions of this Local Law.
 - f. If said building or alteration exceeds one thousand five hundred (1,500) square feet or if the cost of the construction will exceed twenty thousand dollars (\$20,000.00), the plans for such construction or alteration shall contain a New York State licensed architect's seal.
2. A permit for any new use or construction which will involve the on-site disposal of sewage or waste, or a change in use or an alteration which will result in an increase in the number of bedrooms in a dwelling unit or an increased volume of sewage or waste to be disposed of on the site, or which will require a new or modified water supply, shall not be issued until a certificate of approval has been issued by the Cayuga County Health Department.

E. Issuance of Zoning Permits.

1. Zoning Permits shall be granted or refused within fifteen (15) business days after the completed written application has been filed with the Zoning Officer, except as provided elsewhere in this Local Law where approval of a Site Plan, Special Use Permit, or Subdivision approval is required by the Planning Board; a Certificate of Appropriateness is required by the Community Preservation Panel; and/or a variance relief is required by the Zoning Board of Appeals. In such instances, the Zoning Permit shall be issued within fifteen (15) business days after all required Board/Panel approvals have been granted. Upon completion of the activity authorized by the Zoning Permit, the holder of such permit shall notify the Zoning Officer of such completion.
2. All Zoning Permit applications with accompanying plans and documents shall be filed in the Village Clerk's office at least ten days prior to any meeting at which same shall be considered and become, and be preserved as a public record, subject to disposition of the Village Board of Trustees.

Section 18.04 – Uses and Activities Requiring a Zoning Permits

- A. A Zoning Permit is required for the following uses and activities, in addition to any required approvals from the Planning Board, Zoning Board of Appeals and/or Community Preservation Panel. Building permits in accordance with the NYS Uniform Fire Prevention and Building Code may also be required and shall be issued by the Code Enforcement Officer.
1. Any exterior construction, erection, enlargement, alteration, removal, improvement or conversion of any building or structure;
 2. Removal of healthy Landmark Trees as defined and designated by Article VII which require a Certificate of Appropriateness for removal in addition to a Zoning Permit; or
 3. Any change in use of either a building or land which is significantly different in scope or intensity from the prior use of that building or land.

- B. A single permit can cover more than one of the uses listed above, provided the proposed uses occur on a single lot and are included on the application. Each lot requires a separate application.

Section 18.05 – Uses and Activities NOT Requiring a Zoning Permit

- A. A Zoning Permit is not required for the following uses and activities however all such activities shall conform to the requirements of this Local Law and shall not interfere with or restrict access to public utility lines. Activities not requiring a Zoning Permit may still be required to obtain a building permit from the Code Enforcement Officer under provisions of the NYS Uniform Fire Prevention and Building Code.
1. Constructing completely detached accessory buildings more than ten (10) feet from a lot line, less than eighty (80) square feet in area, and no more than ten (10) feet in height; however, such structures may require a Certificate of Appropriateness, as prescribed in Article VII.
 2. Painting and general maintenance work that does not require a building permit except for individual Landmark buildings as prescribed in Article VII.
 3. Culling of wood lots and removal of trees, except for Landmark Trees as defined and designated by Article VII which require a Certificate of Appropriateness for removal and in accordance with the regulations in Article IX, Section 9.04;
 4. Small-scale tilling of soil and landscaping;
 5. Routine maintenance and emergency repairs.

Section 18.06 – Code Enforcement Officer Power and Duties

- A. In accordance with Village of Aurora Local Law #2 of 2022: Local Law Establishing a Local Government Code Enforcement Program, the office of Code Enforcement Officer is hereby created. The Code Enforcement Officer shall administer and enforce all the provisions of the Uniform Code, the Energy Code, and this local law. The Code Enforcement Officer shall have the following powers and duties:
1. To receive, review, and approve or disapprove applications for Building Permits, Certificates of Occupancy, Certificates of Compliance, Temporary Certificates of Occupancy, and Operating Permits, and the plans, specifications, and construction documents submitted with such applications;
 2. Upon approval of such applications, to issue Building Permits, Certificates of Occupancy, Certificates of Compliance, Temporary Certificates of Occupancy, and Operating Permits, and to include in terms and conditions as the Code Enforcement Officer may determine to be appropriate Building Permits, Certificates of Occupancy, Certificates of Compliance, Temporary Certificates of Occupancy, and Operating Permits;
 3. To conduct construction inspections; inspections to be made prior to the issuance of Certificates of Occupancy, Certificates of Compliance, Temporary Certificates of Occupancy, and Operating Permits; fire safety and property maintenance inspections; inspections incidental to the investigation of complaints; and all other inspections required or permitted under any provision of Village of Aurora Local Law #2 of 2022;
 4. To issue Stop Work Orders;
 5. To review and investigate complaints;
 6. To issue orders pursuant to subdivision (a) of Section 17 (Violations) of Village of Aurora Local Law #2 of 2022;

7. To maintain records;
 8. To pursue administrative enforcement actions and proceedings;
 9. In consultation with this Village's attorney, to pursue such legal actions and proceedings as may be necessary to enforce the Uniform Code, the Energy Code, and this local law, or to abate or correct conditions not in compliance with the Uniform Code, the Energy Code, or Village of Aurora Local Law #2 of 2022; and
 10. To exercise all other powers and fulfill all other duties conferred upon the Code Enforcement Officer pursuant to Village of Aurora Local Law #2 of 2022.
- B. Additional regulations, procedures, and definitions related to the Code Enforcement Officer can be found in Village of Aurora Local Law #2 of 2022 available from the Village Clerk. Topics addressed in said local law include but are not limited to: Building Permits; Construction Inspections; Stop Work Orders; Certificates of Occupancy and Certificates of Compliance; Unsafe Buildings, Structures and Equipment and Conditions of Imminent Danger; Fire Safety and Property Maintenance Inspections; and Complaints.

Section 18.07 – Special Provisions for Issuance of Permits in Flood Hazard Areas

- A. In accordance with Village of Aurora Local Law # 2 of 2007: Flood Damage Prevention, when reviewing applications for Zoning Permits and/or Building Permits in the Flood Hazard Overlay District and areas designated as flood hazard areas by the National Flood Insurance Program, the Code Enforcement Officer shall, in addition to the regular duties, act as the Floodplain Administrator, and determine if the proposed development is consistent with the need to minimize flood damage.
- B. The Code Enforcement Officer, in reviewing all applications for construction in flood hazard locations within the Village, shall require that any such proposed construction shall:
1. Be designed and anchored to prevent the flotation, collapse, or lateral movement of the structure or portions of the structure due to flooding.
 2. Use construction materials and utility equipment that are resistant to flood damage.
 3. Use construction methods and practices that will minimize flood damage.
 4. Provide adequate drainage in order to reduce exposure to flood hazard.
 5. Locate public utilities and facilities, including sewer, gas, electrical, and water systems, on the site in such a manner as to be elevated and constructed to minimize or eliminate flood damage.
 6. Provide a topographic survey showing the proposed structures and their elevations.

Section 18.08 – Certification of Occupancy

- A. No land shall be used or occupied and no building hereafter erected, altered, or extended shall be used or changed in use until a certificate of occupancy or certificate of completion has been issued by the Code Enforcement Officer stating that the building(s) or proposed use thereof complies with the provisions of the New York State Uniform Fire Prevention and Building Code and applicable provisions of this Local Law.
1. Certificates of Occupancy.
 - a. No structure hereafter erected shall be used and no land shall be used or changed in use until a certificate of occupancy therefore has been issued by the Code Enforcement Officer.

- b. No structure hereafter altered shall continue to be used for more than thirty (30) days after the alteration is completed unless a certificate of occupancy shall have been issued by the Code Enforcement Officer.
- c. Except upon a written order of the Zoning Board of Appeals, no certificate of occupancy shall be issued for any structure or use that would be in violation of any of the provisions of this Local Law.
- d. Applications for certificates of occupancy shall be made upon such forms and shall be accompanied by such layout or plot plans as shall be prescribed by the Code Enforcement Officer to facilitate enforcement of this Local Law in conjunction with the New York State Building Code, as amended.

Section 18.09 – Fees

- A. The applicant shall at the time of application for a Zoning Permit, pay to the Village Clerk a fee for said permit in accordance with a fee schedule-as established by the Village Board of Trustees by resolution. All fees are non-refundable. The Village Board of Trustees may, from time to time, amend the fee schedule.

Section 18.10 – Violations, Enforcement and Remedies

- A. Enforcement of the provisions of this Local Law shall be in accordance with the Consolidated Laws of New York-Village Law §7-714 as follows:
 1. In the case that any building or structure is erected, constructed, reconstructed, altered, repaired, converted, or maintained; or any building, structure or land is used or any land is divided into lots, blocks or sites in violation of this Local Law, or of any Local Law or other regulation made under authority conferred thereby, the proper local authorities of the Village of Aurora, in addition to other remedies, may institute any appropriate action or proceedings to prevent such unlawful erection, construction, reconstruction, alteration, repair, conversion, maintenance or use or division of land, to restrain, correct, or abate such violation, to prevent the occupancy of said building, structure, or land or to prevent any illegal act, conduct, business, or use in or about such premises. All issues in any action or proceeding for any of the purposes herein stated shall have preference over all other civil actions and proceedings.

Section 18.11 – Fines and Penalties

- A. Failure to comply with any of the provisions of this Local Law shall, after due notice, be deemed a violation. Unless otherwise stated, a violation of this Local Law shall be an offense punishable by a fine of not more than two hundred fifty dollars (\$250) or imprisonment of not more than fifteen (15) days, or both, and each day such violation continues shall constitute a separate violation. For any and every violation of this Local Law, the following shall be liable, upon conviction thereof:
 1. The owner, general agent, or contractor of a building or premises where such violation has been committed or shall exist;
 2. The owner, general agent, contractor, lessee, or tenant of any building or part of a building or premises where such violations have been committed or shall exist;
 3. The general agent, architect, builder, contractor, or any other person who knowingly commits, takes part, or assists in any such violation or who maintains any building or premises in which any such violation shall exist.

ARTICLE XIX: BOARDS

Section 19.01 – Community Preservation Panel

- A. The Community Preservation Panel of the Village of Aurora is charged with preserving the character of the Village as provided in Article VII of this Local Law.
- B. Establishment of a Community Preservation Panel. The Village Board of Trustees authorizes the creation of a historic preservation commission to be known as the "Village of Aurora Community Preservation Panel" in accordance with Chapter 24, Article 5, Section 96-a of New York State General Municipal Law.
 1. Panel Composition. All members of the Community Preservation Panel shall be residents of the Village of Aurora and shall not be officers or employees of the Village or any of its agencies or departments. The Panel shall be composed of five (5) members to the extent available in the community as follows:
 - a. At least one member shall be an architect experienced in working with historic buildings;
 - b. At least one member shall have demonstrated significant interest in and commitment to the field of historic preservation; and
 - c. All such members shall have a known interest in historic preservation and architectural development within the Village of Aurora and shall demonstrate interest, competence and/or a knowledge of one or more of the following: history, architecture, historic preservation, planning, real estate or law.
 2. Two (2) alternate members of the Community Preservation Panel may be appointed by the Village Board of Trustees for terms of five (5) years each. All provisions of this Local Law relating to the Community Preservation Panel member eligibility, vacancy in office, removal, compatibility of office and service on other boards, as well as any provisions of any local law or ordinance relating to training, continuing education, compensation, and attendance shall also apply to the alternate members of the Community Preservation Panel.
 3. Appointments. Members of the Panel shall be appointed by the Mayor and approved by the Village Board of Trustees. No person appointed to the Panel shall also serve as a member of the Village Board of Trustees establishing the Panel.
 - a. Chairperson and Vice Chairperson. The Mayor with approval by the Village Board of Trustees shall appoint one (1) of the Panel members as Chairperson, to preside at all meetings and hearings and to fulfill the customary functions of that office. The Chairperson shall annually appoint one (1) of the members of the Panel as Vice Chairperson.
 - i. In the absence of the Chairperson, the Vice Chairperson shall act as Chairperson and shall have all the powers of the Chairperson. The Vice Chairperson shall have such other powers and duties as may from time to time be provided by the rules of the Panel.
 - b. Secretary. The Mayor with approval by the Village Board of Trustees shall appoint a Secretary to the Panel who shall be responsible for the keeping of meeting minutes, publication of meeting minutes, posting of public notices and any other relevant duties. The Secretary may be a member of the Panel, an employee of the Village, or a member of the community.
 4. Term of Office. Members' terms shall be for a period of five (5) years and shall be staggered; with one (1) term expiring at the end of the Village's fiscal ~~each~~ year.

5. Vacancies. Vacancies occurring on the Panel other than by expiration of term of office shall be filled by appointment by Mayor with approval by the Village Board of Trustees. Any such appointment shall be for the unexpired portion of the term of the replaced member, and the appointment must be made in accordance with the criteria established above for original appointments.

C. Removal of Members.

1. Any member of the Community Preservation Panel may be removed for cause by the Mayor as approved by the Village Board of Trustees at any time, provided, however, that before any such removal, such member shall be given an opportunity to be heard in their own defense at a public meeting. Cause for removal of a member may include one or more of the following:
 - a. Any undisclosed or unlawful conflict of interest;
 - b. Any violation of the codes, laws or rules applicable to the member's performance of their duties;
 - c. Any unwillingness or inability to carry out their duties in a prompt, conscientious and competent manner;
 - d. Any conduct tending to cast doubt upon the integrity or objectivity of the member in performing their duties or any other specific conduct of the member found by the Village Board of Trustees to be detrimental to the proper functioning of the Panel;
 - e. Members may be removed from the Community Preservation Panel if they miss thirty-three (33%) percent of the meetings during the course of one (1) calendar year, miss three (3) consecutive meetings or do not meet their mandatory training requirements.

D. Rules, Expenses, and Required Training.

1. The Community Preservation Panel may adopt rules or bylaws for its operations, and may amend such rules and bylaws from time to time as deemed appropriate and necessary by the Community Preservation Panel.
2. The Village Board of Trustees shall provide an appropriation to the Community Preservation Panel to cover necessary expenses, including the means for the Community Preservation Panel to maintain a written record of its meetings and public hearings.
3. The Village Board of Trustees shall require Community Preservation Panel members to complete training and continuing education courses in accordance with the following:
 - a. Each member of the Panel shall complete, at a minimum, four (4) hours of training each year designed to enable such members to more effectively carry out their duties. Training received by a member in excess of four (4) hours in any one (1) year may be carried over by the member into succeeding years in order to meet the requirements of this regulation. Such training shall be approved by the Village Board of Trustees and may include, but not be limited to, training provided by a municipality, regional or county planning office or commission, county planning federation, state agency, statewide municipal association, college or other similar entity. Training may be provided in a variety of formats, including but not limited to, electronic media, video, distance learning and traditional classroom training.
 - i. Training topics may include: local and regional history; architecture and building styles; basic building construction and maintenance; the natural environment; historic preservation, and other relevant topics.

- b. To be eligible for reappointment to the Community Preservation Panel, such member shall have completed the training promoted by the Village pursuant to this subdivision.
- c. The training required by this subdivision may be waived or modified by resolution of the Village Board of Trustees when, in the judgment of the Board, it is in the best interest of the Village to do so.
- d. The Village Board of Trustees may reimburse Community Preservation Panel members for appropriate expenses incurred in obtaining such training or continuing education.
- e. Community Preservation Panel members shall provide proof of completion of required training to the Village Clerk on an annual basis.

E. Meetings.

1. The Community Preservation Panel shall meet monthly, but other meetings may be held at any time on the call of the Chairperson, on the written request of any two (2) members of the Panel, or on the call of the Mayor.
2. The presence of three (3) members of the Community Preservation Panel shall constitute a quorum which shall be necessary to act on any matter before the Panel. The concurring vote of at least three (3) members shall be necessary for any action by the Panel, subject to state law.
3. All votes of the Community Preservation Panel shall be taken by roll call.
4. Community Preservation Panel decisions on matters not referred to the County Planning Board shall be by simple majority vote (three) of the full membership. On a matter referred to the County Planning Board, voting shall be in accordance with Section 19.04 herein.
5. In accordance with § 74, Subdivision 2, of Article 4 of the Public Officers Law, a member of the Community Preservation Panel having a conflict of interest shall abstain from any discussion or voting on that matter. Additionally, no member of the Community Preservation Panel shall participate in the hearing or disposition of any matter in which they have an economic interest. Any conflict of interest prohibited by Article 18 of the General Municipal Law shall disqualify a member.
6. The Chair of the Community Preservation Panel may request and obtain advice or opinions on the law relating to a matter before the Panel from the Village Attorney and require the Village Attorney to attend its meetings. Such requests shall only occur after the Chair has received written authorization from the Mayor to do so. Any fee for the Village Attorney's services and time for such a request shall be charged to the applicant that is the subject of the request to the Village Attorney.
7. The Community Preservation Panel may require the Village Historian, Code Enforcement Officer and/or the Zoning Officer to attend its meetings to present any facts relating to any matter before the Panel.
8. All meetings of the Community Preservation Panel shall be open to the public.
9. The Community Preservation Panel shall make a factual record of all its proceedings, including public hearings, deliberations, voting and decisions. The factual record shall be taken by the Secretary to the Community Preservation Panel.
10. Community Preservation Panel Secretary and Public Record. The Community Preservation Panel Secretary shall attend all its proceedings. The Secretary shall provide for the keeping of the record of the proceedings of the Panel, showing the vote of each member upon every question, or if absent or failing to vote, indicating such fact, and shall maintain all state-mandated permanent records of Panel meetings, hearings and proceedings and all

correspondence of the Panel. Minutes of each meeting and public hearing shall be filed with the Village Clerk and become part of the public record. The Village Clerk shall provide for keeping a file of all records of the Panel, and such records shall be public records open to inspection at reasonable times and upon reasonable notice.

F. Powers and Duties of the Community Preservation Panel

1. General and Advisory Powers. The Community Preservation Panel shall, from time to time:
 - a. Review any local regulations, including existing landmarks or historic preservation regulations in the Village, and recommend to the Village Board of Trustees any changes and amendments thereto;
 - b. Recommend to the Village Board of Trustees, for the Board's adoption by local law, any additional rules and regulations that may be necessary for the Panel to conduct its business, consistent with the scope and intent of Article VII;
 - c. Recommend to the Village Board of Trustees specific criteria that should be used to identify and catalogue significant historic or architectural landmarks, and from time to time advise the Board on suggested changes thereto;
 - d. Recommend to the Village Board of Trustees the delineation of landmarks and historic districts, and from time to time advise the Board on suggested changes thereto;
 - e. Identify for designation by the Village Board of Trustees individual landmarks, scenic landmarks, and historic districts;
 - f. Conduct surveys of significant historic, architectural, and cultural sites, buildings, structures and other objects within the Village of Aurora for the purpose of identifying said resources for designation by the Village Board of Trustees;
 - g. Increase public awareness of the value of historic, cultural, and architectural preservation by developing and participating in public education programs;
 - h. In coordination with the Village Clerk, maintain an inventory of locally designated historic resources/districts within the Village and publicize the inventory;
 - i. In coordination with the Village Clerk, maintain a register of all properties and structures that have been designated as landmarks, historic sites or historic districts, including all information required for each designation;
 - j. Recommend acquisition of a landmark by the Village Board of Trustees where its preservation is essential to the purposes of this Article and where private preservation is not feasible;
 - k. Recommend to the Village Board of Trustees the utilization of state, federal or private funds to promote the preservation of landmarks and historic districts within the Village;
 - l. Recommend to the Village Board of Trustees the preparation of maps, brochures and plaques or historical markers for designated individual landmarks, scenic landmarks, and historic districts;
 - m. To cooperate with and advise the Village Board of Trustees and the Planning Board in matters involving historic and/or architectural sites and buildings; and
 - n. With the approval of the Village Board of Trustees, to retain or employ professional consultants or other such personnel as may be necessary to assist the Panel in carrying out its duties; the fees for any such consultation shall be charged to the applicant.

2. Administrative Review Powers. In accordance with the rules and regulations adopted by the Village Board of Trustees for landmarks and historic preservation purposes, the Community Preservation Panel shall:
 - a. Evaluate applications for certificate of appropriateness; approve, approve with modifications, or disapprove any proposal for exterior changes resulting from any such applications;
 - b. Evaluate applications for certificate of economic hardship; approve, approve with modifications, or disapprove any such applications;
 - c. Evaluate applications for certificate of appropriateness for demolition, removal or relocation; approve, approve with modifications, or disapprove any such applications; and
 - d. Perform other functions that the Village Board of Trustees may designate by local law.
3. Compliance with State Environmental Quality Review Act and Regulations. The Community Preservation Panel shall comply with the provisions of the State Environmental Quality Review Act under Article 8 of the Environmental Conservation Law and its implementing regulations in Part 617 of Title 6 of the New York Codes, Rules and Regulations.
4. The powers and duties of the Community Preservation Panel set forth in this Section shall be in addition to other powers and duties expressly outlined in this Article or reasonably implied there from.

Section 19.02 – Planning Board

A. Establishment of a Planning Board.

1. The Village Board of Trustees authorizes the creation of a five (5) member Planning Board pursuant to § 7-718 of the New York State Village Law. The members of the Planning Board shall be appointed by the Mayor and approved by the Village Board of Trustees for terms of five (5) years. Terms of all Planning Board members shall be staggered as required by law.
2. Board Composition. All members of the Planning Board shall be residents of the Village of Aurora and shall not be officers or employees of the Village or any of its agencies or departments.
3. Chairperson and Vice Chairperson. The Mayor with approval by the Village Board of Trustees shall appoint one (1) of the Planning Board members as Chairperson, to preside at all meetings and hearings and to fulfill the customary functions of that office. The Chairperson shall annually appoint one (1) of the members as Vice Chairperson.
 - a. In the absence of the Chairperson, the Vice Chairperson shall act as Chairperson and shall have all the powers of the Chairperson. The Vice Chairperson shall have such other powers and duties as may from time to time be provided by the rules of the Board.
4. Two (2) alternate members of the Planning Board may be appointed by the Mayor and approved by the Village Board of Trustees for terms of five (5) years each. All provisions of state law relating to Planning Board member eligibility, vacancy in office, removal, compatibility of office and service on other boards, as well as any provisions of any local law or ordinance relating to training, continuing education, compensation, and attendance shall also apply to the alternate members of the Planning Board.
5. The Chairperson of the Planning Board may designate one (1) or more alternate members of the Planning Board to serve when necessary, and only so long as necessary, to obtain or

maintain a quorum of such Board or when a member of the Planning Board is unable to participate due to a conflict of interest. Such designation and its expiration shall be entered into the minutes of the Planning Board. When so designated, the alternate member of the Planning Board shall possess all the powers and responsibilities of a member of such Board.

6. Vacancies. Vacancies on the Planning Board shall be filled by the Mayor and approved by the Village Board of Trustees.

B. Removal of Members.

1. Any member of the Planning Board may be removed for cause by the Mayor and approved by the Village Board of Trustees at any time, provided, however, that before any such removal, such member shall be given an opportunity to be heard in their own defense at a public meeting. Cause for removal of a member may include one or more of the following:
 - a. Any undisclosed or unlawful conflict of interest;
 - b. Any violation of the codes, laws or rules applicable to the member's performance of their duties;
 - c. Any unwillingness or inability to carry out their duties in a prompt, conscientious and competent manner;
 - d. Any conduct tending to cast doubt upon the integrity or objectivity of the member in performing their duties or any other specific conduct of the member found by the Village Board of Trustees to be detrimental to the proper functioning of the Board;
 - e. Members may be removed from the Planning Board if they miss thirty-three (33%) percent of the meetings during the course of one (1) calendar year, miss three (3) consecutive meetings or do not meet their mandatory training requirements.

C. Rules, expenses, and required training.

1. The Planning Board may adopt rules or bylaws for its operations and may amend such rules and bylaws from time to time as deemed appropriate and necessary by the Planning Board.
2. The Village Board of Trustees shall provide an appropriation to the Planning Board to cover necessary expenses, including the means for the Planning Board to maintain a written record of its meetings and public hearings.
3. Village Board of Trustees shall require Planning Board members to complete training and continuing education courses in accordance with the following:
 - a. Each member of the Board shall complete, at a minimum, four (4) hours of training each year designed to enable such members to more effectively carry out their duties. Training received by a member in excess of four (4) hours in any one (1) year may be carried over by the member into succeeding years in order to meet the requirements of this regulation. Such training shall be approved by the Village Board of Trustees and may include, but not be limited to, training provided by a municipality, regional or county planning office or commission, county planning federation, state agency, statewide municipal association, college or other similar entity. Training may be provided in a variety of formats, including but not limited to, electronic media, video, distance learning and traditional classroom training.
 - i. Training topics may include: site plan review, special use permit review, subdivision review, SEQR, the natural environment, and other relevant planning topics.
 - b. To be eligible for reappointment to the Planning Board, such member shall have completed the training promoted by the Village pursuant to this subdivision.

- c. The training required by this subdivision may be waived or modified by resolution of the Village Board of Trustees when, in the judgment of the Board, it is in the best interest of the Village to do so.
- d. The Village Board of Trustees may reimburse Planning Board members for appropriate expenses incurred in obtaining such training or continuing education.
- e. Planning Board members shall provide proof of completion of required training to the Village Clerk on an annual basis.

D. Powers and Duties. The duties of the Planning Board are to:

1. Prepare, review and/or recommend revisions to the Comprehensive Plan for the development of the Village as provided under § 7-718 of New York State Village Law and/or Village Board of Trustees resolution.
2. Review and comment on all proposed zoning amendments before referral to the County Planning Board.
3. Conduct site plan review as authorized by § 7-725-a of New York State Village Law and prescribed in Article XIII of this Law.
4. Review and approve Special Use Permits as authorized by § 7-725-b of New York State Village Law and prescribed in Article VI of this Law.
5. Review and approve the subdivision of parcels as authorized by § 7-728, 7-730, 7-732, 7-734, 7-736, and 7-738 of the New York State Village Law and prescribed in Article XIV of this Law.
6. Render assistance to the Zoning Board of Appeals at its request.
7. Research and report on any matter referred to it by the Village Board of Trustees.
8. Make investigations, maps, reports, and recommendations in any matter related to planning and development as it seems desirable providing expenditures of the Planning Board do not exceed the budget appropriations for the Planning Board.
9. All such powers and duties as are conferred upon the Planning Board and subject to the limitations set forth in § 7-718, 7-722, 7-724, 7-725-a, 7-728, 7-730 and 7-738 of the New York State Village Law, as the same may be amended, modified, or changed from time to time, or any sections subsequently adopted pertaining to village planning boards.

E. Meetings.

1. The Planning Board shall hold regularly scheduled meetings, provided there are meeting agenda items for Planning Board consideration, and the Board may hold special meetings, from time to time as needed, at the call of the Chairperson or at the request of three (3) or more members.
2. The presence of three (3) members of the Planning Board shall constitute a quorum which shall be necessary to act on any matter before the Planning Board. The concurring vote of at least three (3) members shall be necessary for any action by the Board, subject to state law.
3. All votes of the Planning Board shall be taken by roll call.
4. Planning Board decisions on matters not referred to the County Planning Board shall be by simple majority vote (three) of the full membership. On a matter referred to the County Planning Board, voting shall be in accordance with Section 19.04 herein.
5. In accordance with § 74, Subdivision 2, of Article 4 of the Public Officers Law, a member of the Planning Board having a conflict of interest shall abstain from any discussion or voting on that matter.

6. The Chair of the Planning Board may request and obtain any advice or opinions on the law relating to any matter before the Board from the Village Attorney and require the Village Attorney to attend its meetings. Any fee for the Village Attorney's services and time for such a request shall be charged to the applicant that is the subject of the request to the Village Attorney.
7. The Planning Board may require the Code Enforcement Officer and/or Zoning Officer to attend its meetings to present any facts relating to any matter before the Board.
8. All meetings of the Planning Board shall be open to the public.
9. The Planning Board shall make a factual record of all its proceedings, including public hearings, deliberations, voting and decisions. The factual record shall be taken by the Secretary to the Planning Board.
10. Planning Board Secretary and Public Record. The Planning Board Secretary shall attend all its proceedings and, upon request, the proceedings of any of its Committees. The Secretary shall provide for the keeping of the record of the proceedings of the Board, showing the vote of each member upon every question, or if absent or failing to vote, indicating such fact, and shall maintain all state-mandated permanent records of Board meetings, hearings and proceedings and all correspondence of the Board. The Village Clerk shall provide for keeping a file of all records of the Board, and such records shall be public records open to inspection at reasonable times and upon reasonable notice.
11. Conflicts. No member of the Planning Board shall participate in the hearing or disposition of any matter in which they have an economic interest. Any conflict of interest prohibited by Article 18 of the General Municipal Law shall disqualify a member.

F. Decisions and recommendations.

1. Decisions. The Planning Board may rely on the personal knowledge of its members, testimony at the public hearings, on its inspections of the property and on any reports available to it. Every decision of the Planning Board shall be by resolution and shall expressly set forth any limitations or conditions imposed or use authorized.
2. Final Decision. All decisions of the Planning Board shall occur at a meeting open to the public and shall state any special circumstances or conditions. Decisions of the Board shall be final upon adoption of the minutes and/or resolution of Planning Board by a majority of the members of the Planning Board and the filing of the minutes and/or resolution with the Office of the Village Clerk, whichever shall occur first.
3. Failure to Act. In any case where this Local Law provides that the failure of the Planning Board to act within a fixed period shall be deemed a denial of an application, such failure shall, notwithstanding the absence of required findings and conclusions, be considered to be a decision of the Board rendered on the day following the expiration of such fixed period. Such a decision may be appealed in the same manner as any other decision.
 - a. Where no decision is made by the Planning Board and the time period for rendering a decision has not expired, the action will be placed on the agenda of the next scheduled regular or special meeting.
4. Notification of Decision. Within five (5) business days following the final decision on such applications, the Secretary shall mail notice thereof to each person entitled to such notice and file such decision in the office of the Village Clerk. However, any failure to provide such notice shall not affect such decision. As to other matters brought before the Board, the Board shall prepare such report as it shall deem appropriate to the subject matter.
5. Appeals. An appeal from any final decision of the Planning Board may be taken within thirty (30) days of the filing of such decision by any person aggrieved or by any authorized

officer, Code Enforcement Officer or board of the Village by filing such request with the New York State Supreme Court in accordance with Article 78 of the New York Civil Practice Law and Rules.

6. Dismissal of application. In addition to other decision options available, the Planning Board may dismiss any application pending before it, if the Board in its discretion, reasonably exercised, determines that the application has not been or is not being actively pursued and moved forward by the applicant. Any such dismissal may be without prejudice, as may be determined by the Board.

G. Conditions of Approval

1. A violation of a condition imposed pursuant to this Law shall be deemed a violation of this Law and shall be an offense punishable pursuant to Section 18.11.

Section 19.03 – Zoning Board of Appeals

A. Establishment of a Zoning Board of Appeals.

1. The Village Board of Trustees authorizes the appointment of a five (5) member Zoning Board of Appeals pursuant to § 7-712 of New York State Village Law. The members of the Zoning Board of Appeals shall be appointed by the Mayor and approved by the Village Board of Trustees for terms of five (5) years. Terms of all Zoning Board of Appeals members shall be staggered as required by law.
2. Board Composition. All members of the Zoning Board of Appeals shall be residents of the Village of Aurora and shall not be officers or employees of the Village or any of its agencies or departments.
3. Chairperson and Vice Chairperson. The Mayor with approval by the Village Board of Trustees shall appoint one (1) of the Zoning Board of Appeals members as Chairperson to preside at all meetings and hearings and to fulfill the customary functions of that office. The Chairperson shall annually appoint one (1) of the members as Vice Chairperson.
 - a. In the absence of the Chairperson, the Vice Chairperson shall act as Chairperson and shall have all the powers of the Chairperson. The Vice Chairperson shall have such other powers and duties as may from time to time be provided by the rules of the Board.
4. Two alternate members of the Zoning Board of Appeals may be appointed by the Mayor and approved by the Village Board of Trustees for terms of five (5) years each. All provisions of state law relating to Zoning Board of Appeals member eligibility, vacancy in office, removal, compatibility in office and service on other boards, as well as any provisions of any local law or ordinance relating to training, continuing education, compensation, and attendance shall also apply to the alternate members of the Zoning Board of Appeals.
5. The Chairperson of the Zoning Board of Appeals may designate an alternate member of the Zoning Board of Appeals to serve when necessary, and only so long as necessary, to obtain or maintain a quorum of such Board or when a member is unable to participate due to a conflict of interest. Such designation and its expiration shall be entered into the minutes of the Zoning Board of Appeals. When so designated, the alternate member of the Zoning Board of Appeals shall possess all the powers and responsibilities of a member of such Board.
6. Vacancies. Vacancies on the Zoning Board of Appeals shall be filled by the Mayor and approved by the Village Board of Trustees.

B. Removal of Members.

1. Any member of the Zoning Board of Appeals may be removed for cause by the Mayor and approved by the Village Board of Trustees at any time, provided, however, that before any such removal, such member shall be given an opportunity to be heard in their own defense at a public meeting. Cause for removal of a member may include one or more of the following:
 - a. Any undisclosed or unlawful conflict of interest;
 - b. Any violation of the codes, laws or rules applicable to the member's performance of their duties;
 - c. Any unwillingness or inability to carry out their duties in a prompt, conscientious and competent manner;
 - d. Any conduct tending to cast doubt upon the integrity or objectivity of the member in performing their duties or any other specific conduct of the member found by the Village Board of Trustees to be detrimental to the proper functioning of the Board.
 - e. Members may be removed from the Zoning Board of Appeals if they miss thirty-three (33%) percent of the meetings during the course of one (1) calendar year, miss three (3) consecutive meetings or do not meet their mandatory training requirements.

C. Rules, expenses, and required training.

1. The Zoning Board of Appeals may adopt rules or bylaws for its operations and may amend such rules and bylaws from time to time as deemed appropriate and necessary by such Board.
2. The Village Board of Trustees shall provide an appropriation to the Zoning Board of Appeals to cover necessary expenses, including the means for the Zoning Board of Appeals to maintain a written record of its meetings and public hearings.
3. The Village Board of Trustees shall require Zoning Board of Appeals members to complete training and continuing education courses in accordance with the following:
 - a. Each member of the Board shall complete, at a minimum, four (4) hours of training each year designed to enable such members to more effectively carry out their duties. Training received by a member in excess of four (4) hours in any one (1) year may be carried over by the member into succeeding years in order to meet the requirements of this regulation. Such training shall be approved by the Village Board of Trustees and may include, but not be limited to, training provided by a municipality, regional or county planning office or commission, county planning federation, state agency, statewide municipal association, college or other similar entity. Training may be provided in a variety of formats, including but not limited to, electronic media, video, distance learning and traditional classroom training.
 - i. Training topics may include: area variances, use variances, SEQR, and other relevant topics.
 - b. To be eligible for reappointment to the Zoning Board of Appeals, such member shall have completed the training promoted by the Village pursuant to this subdivision.
 - c. The training required by this subdivision may be waived or modified by resolution of the Village Board of Trustees when, in the judgment of the Board, it is in the best interest of the Village to do so.
 - d. The Village Board of Trustees may reimburse Zoning Board of Appeals members for appropriate expenses incurred in obtaining such training or continuing education.
 - e. Zoning Board of Appeals members shall provide proof of completion of required training to the Village Clerk on an annual basis.

D. Powers and Duties.

1. Hearing Appeals. The jurisdiction of the Zoning Board of Appeals shall be appellate only, and shall be limited to hearing and deciding appeals from and reviewing any order, requirement, decision, interpretation or determination made by the Zoning Officer or other administrative official charged with the enforcement of this Local Law. The Zoning Board of Appeals shall decide any question involving the interpretation of such provisions as more fully described in this section. Where a proposed site plan, special use permit, or subdivision contains one or more dimensional features which do not comply with this Local Law, application may be made for an area variance without the necessity of an order, requirement, decision, interpretation, or determination by the Zoning Officer. The duties of the Zoning Board of Appeals include:
 - a. Reversing or affirming orders, requirements, decisions, interpretations, and determinations. The Zoning Board of Appeals may reverse or affirm, wholly or partly, or may modify any order, requirement, decision, interpretation, or determination appealed from, and shall make such order, requirement, decision, interpretation, or determination as in its opinion ought to have been made in the matter by the Zoning Officer and to that end shall have all the powers of the Zoning Officer.
 - b. Granting Area Variances.
 - i. The Zoning Board of Appeals shall have the power, upon an appeal from a decision or determination of the Zoning Officer charged with the enforcement of this Local Law, to grant Area Variances from the area or dimensional requirements of this Local Law. In making its determination, the Zoning Board of Appeals shall take into consideration the benefit to the applicant if the variance is granted, as weighed against the detriment to the health, safety and welfare of the neighborhood or community by such grant. In making such determination and in accordance with § 7-712-b of New York State Village Law, the Zoning Board of Appeals shall also consider:
 - [a] Whether an undesirable change will be produced in the character of the neighborhood or whether a detriment to nearby properties will be created by the granting of the area variance;
 - [b] Whether the benefit sought by the applicant can be achieved by some method, feasible for the applicant to pursue, other than an area variance;
 - [c] Whether the requested area variance is substantial;
 - [d] Whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or zoning district; and
 - [e] Whether the alleged difficulty was self-created;
 - ii. Extent of variance permitted. In accordance with New York State Village Law § 7-712-b, the Zoning Board of Appeals, in the granting of Area Variances, shall grant the minimum variance that it shall deem necessary and adequate and at the same time preserve and protect the character of the neighborhood and the health, safety and welfare of the community.
 - [a] If the review of an agricultural data statement was required pursuant to Article 25-AA, § 305-a, of the New York State Agriculture and Markets Law, the Zoning Board of Appeals shall evaluate and consider the agricultural data statement in its review of the possible impacts on the functioning of farm operations in the Cayuga County Agricultural District.

from the date the decision being appealed was filed with the Village Clerk. Notice of Appeals must be submitted in accordance with the following:

- i. Any appeal made to the Zoning Board of Appeals shall be in writing on standard forms prescribed by the Board.
 - ii. All appeals shall cite to the specific provisions of this Local Law at issue and establish the details of why the order, requirement, decision, interpretation and/or determination of the Zoning Officer should be reversed or why a variance should be granted and shall address the considerations described in Section 19.03, D, herein if the appeal is for a variance.
 - iii. All appeals shall set forth the names and addresses of all adjoining owners, including those across roads from the subject property.
 - iv. Appeals from alleged error of the Zoning Officer shall specify the alleged error, the Section(s) of this Local Law to which it pertains, and the interpretation thereof that is claimed.
 - v. Appeals for variance from the strict application of this Local Law shall include the permit application denied by the Zoning Officer together with a statement of claim, and any supporting documents.
 - vi. Any appeal for an area variance shall be accompanied by a survey map stamped by a licensed surveyor in the State of New York. The survey map used may be an existing map so long as it is legible. Where no existing survey map exists for the subject property, the applicant will be required to procure a new survey map.
 - vii. Any appeal for a use variance for property within an Agricultural District containing a farm operation or for property with boundaries within five hundred (500) feet of a farm operation located in the Cayuga County Agricultural District, shall include an agricultural data statement with the application.
 - [a] If an agricultural data statement is required, the Zoning Board of Appeals shall mail, via registered mail, written notice of such application to the owners of land as identified by the applicant in the agricultural data statement. Such notice shall include a description of the proposed project and its location and may be sent in conjunction with any other notice required by state or local law, ordinance, rule, or regulation for the said project. The cost of mailing said notice shall be borne by the applicant.
- b. Upon receipt of all the information required herein, the Zoning Board of Appeals shall place the application on the agenda of the next meeting of the Board when such application is received in the Village Clerk's office at least ten (10) business days before the next regular meeting. The Zoning Board of Appeals shall meet and then:
 - i. Determine if the application is substantially complete, timely and of appropriate standing to be heard before the Board.
 - ii. Schedule a public hearing.
 - iii. Arrange for publication of notice of the public hearing as described in Section 19.03, D, 3 herein.
 - iv. Refer the application to the County Planning Board in accordance with Article 12-B, § 239-m, of the New York State General Municipal Law and Section 19.04 herein, if the subject property is within five hundred (500) feet of the boundary of any county, town, village, existing or proposed county or state park, any right-of-way of any county or state road or parkway, any stream or canal owned by the

county, and existing or proposed county- or state-owned land on which a public building or institution is situated.

- v. Determine whether a draft environmental impact statement should be required.
 - c. Within sixty-two (62) calendar days following the close of the public hearing, the Zoning Board of Appeals shall render a decision or, if the parties have agreed to a time extension, within such time extension.
3. Public Hearing and Zoning Board of Appeals Decision.
- a. Public hearings shall be scheduled within sixty-two (62) calendar days from the date that the Zoning Board of Appeals receives the appeal and determines the application to be substantially complete, timely and of appropriate standing to be heard before the Board or, if the parties have agreed to a time extension, within such time extension. The Village shall publish a public hearing notice in the Village's official newspaper and post in any other location/media that the Village deems appropriate and necessary at least five (5) business days prior but not more than thirty (30) calendar days prior to the date fixed for public hearing. Such notice shall briefly describe the nature of the appeal and the time and place of the hearing. The cost of publication of the public hearing notice shall be borne by the appealing party. If the matter has been referred to the Cayuga County Planning Board pursuant to Article 12-B, § 239-m, of the New York State General Municipal Law, a notice of the public hearing shall also be mailed to the Cayuga County Planning Board at least ten (10) business days prior to such hearing along with the full statement of such action as defined in Article 12-B, § 239-m, of the New York State General Municipal Law. Upon the hearing, any party may appear in person, or by agent or attorney.
 - b. The Zoning Board of Appeals shall send by certified mail a copy of the public notice to all owners of parcels that are immediately adjacent to and extending five hundred (500) feet therefrom, or of that directly opposite thereto, extending five hundred (500) feet from the street frontage of the parcel(s) of land included in the application before the Board at least ten (10) business days prior to the date of such public hearing. The cost of mailing said notice shall be borne by the appealing party.
 - c. The Secretary to the Zoning Board of Appeals shall make a factual record of the public hearing. Public hearings shall be recorded.
 - d. Filing of Decision and Notice. The decision of the Zoning Board of Appeals shall be filed in the office of the Village Clerk within five (5) business days after the day such decision is rendered, and a copy thereof mailed to the applicant. If the matter was referred to the County Planning Board, a copy of the Zoning Board of Appeals findings and decision shall be sent to the County Planning Board.
 - e. Rehearing. A motion for the Zoning Board of Appeals to hold a rehearing to review any order, decision or determination of the Board not previously reviewed may be made by any member of the Board. A unanimous vote of all members of the Board then present is required for such rehearing to occur. Such rehearing is subject to the same notice provisions as an original hearing. Upon such rehearing, the Board may reverse, modify or annul its original order, decision or determination upon the unanimous vote of all members then present provided the Board finds that the rights vested in persons acting in good faith in reliance upon the reviewed order, decision or determination will not be prejudiced thereby.
 - f. Stay Upon Appeal. An appeal shall stay all proceedings in furtherance of the action appealed from, unless the administrative official charged with the enforcement of such local law, from whom the appeal is taken, certifies to the Zoning Board of Appeals,

after the Notice of Appeal shall have been filed with the administrative official, that by reason of facts stated in the Notice of Appeal, a stay would, in his or her opinion, cause imminent peril to life or property, in which case proceedings shall not be stayed otherwise than by a restraining order that may be granted by the Zoning Board of Appeals or by a court of record on application, on notice to the administrative official from whom the appeal is taken and on due cause shown.

- g. Compliance with New York State Environmental Quality Review Act. The Zoning Board of Appeals shall comply with the provisions of the State Environmental Quality Review Act under Article Eight (8) of the Environmental Conservation Law and its implementing regulations as codified in Title Six, Section Six Hundred Seventeen (617) of the New York Codes, Rules and Regulations.

E. Meetings.

1. The Zoning Board of Appeals shall hold regularly scheduled meetings, provided there are meeting agenda items for Zoning Board of Appeals consideration, and the Board may hold special meetings, from time to time as needed, at the call of the Chairperson or at the request of three (3) or more members.
2. The presence of three (3) members shall constitute a quorum which shall be necessary to act on any matter before the Zoning Board of Appeals. The concurring vote of three (3) members shall be necessary for any action by the Board, subject to state law.
3. All votes of the Zoning Board of Appeals shall be taken by roll call.
4. Zoning Board of Appeals decisions on matters not referred to the County Planning Board shall be by simple majority vote (three) of the full membership. On a matter referred to the County Planning Board, voting shall be in accordance with Section 19.04 herein.
5. Conflicts. No member of the Zoning Board of Appeals shall participate in the hearing or disposition of any matter in which they have an economic interest. Any conflict of interest prohibited by Article 18 of the General Municipal Law shall disqualify a member. Additionally, in accordance with § 74, Subdivision 2, of Article 4 of the Public Officers Law, a member of the Zoning Board of Appeals having a conflict of interest shall abstain from any discussion or voting on that matter.
6. A member absent from any portion of a hearing or meeting shall be qualified to vote at a subsequent hearing or meeting upon the matter heard.
7. The Chair of the Zoning Board of Appeals may request and obtain any advice or opinions on the law relating to any matter before the Board from the Village Attorney and require the Village Attorney to attend its meetings. Any fee for the Village Attorney's services and time for such a request shall be charged to the applicant that is the subject of the request to the Village Attorney.
8. The Zoning Board of Appeals may require the Code Enforcement Officer and/or Zoning Officer to attend its meetings to present any facts relating to any matter before the Board.
9. All meetings of the Zoning Board of Appeals shall be open to the public to the extent provided in Article Seven (7) of the Public Officers Law.
10. The Zoning Board of Appeals shall make a factual record of all its proceedings, including public hearings, deliberations, voting and decisions. The factual record shall be taken by the Secretary to the Zoning Board of Appeals.
11. Zoning Board of Appeals Secretary and Public Record. The Zoning Board of Appeals Secretary shall attend all its proceedings. The Secretary shall provide for the keeping of the record of proceedings of the Board, showing the vote of each member upon every question, or if absent or failing to vote, indicating such fact, and shall also maintain records of its

examinations and other official actions as well as all state-mandated permanent records of Board meetings, hearings and proceedings and all correspondence of the Board. The Village Clerk shall provide for keeping a file of all records of the Board, and such records shall be public records open to inspection at reasonable times and upon reasonable notice.

F. Decisions.

1. Decisions. The Board may rely on the personal knowledge of its members, testimony at the public hearing, on its inspections of the property and on any reports available to it. Every decision of the Zoning Board of Appeals shall be by resolution and shall expressly set forth any limitations or conditions imposed, or any relief approved or work or use authorized.
2. Final Decision. Decisions of the Zoning Board of Appeals shall first present findings and conclusions at a meeting open to the public and shall state any special circumstances or conditions. Decisions shall be final upon adoption of the minutes and/or resolution of the Board and the filing of the minutes and/or resolution with the Office of the Village Clerk, whichever occurs first.
3. Failure to Act. In any case where this Law provides that the failure of the Zoning Board of Appeals to act within a fixed period shall be deemed a denial of an application, such failure shall, notwithstanding the absence of required findings and conclusions, be considered to be a decision of the Board rendered on the day following the expiration of such fixed period. Such a decision may be appealed in the same manner as any other decision.
 - a. Where no decision is made by the Zoning Board of Appeals and the time period for rendering a decision has not expired, the action will be placed on the agenda of the next scheduled regular or special meeting.
4. Notification of Decision. Within five (5) business days following the final decision of the Zoning Board of Appeals, the Village Clerk shall mail notice thereof to each person entitled to such notice and file such decision in the office of the Village Clerk. However, any failure to provide such notice shall not affect such decision. As to other matters brought before the Board, the Board shall prepare such report as it shall deem appropriate to the subject matter.
5. Appeals. An appeal from any final decision of the Zoning Board of Appeals may be taken within thirty (30) days of the filing of such decision by any person aggrieved or by any authorized officer, Zoning Officer or board of the Village by filing such request with the New York State Supreme Court in accordance with Article 78 of the New York Civil Practice Law and Rules.
6. Dismissal of application. In addition to other decision options available, the Zoning Board of Appeals may dismiss any application pending before it, if the Zoning Board of appeals in its discretion, reasonably exercised, determines that the application has not been or is not being actively pursued and moved forward by the applicant. Any such dismissal may be without prejudice, as may be determined by the Zoning Board of Appeals.

G. Conditions of Approval.

1. A violation of a condition imposed pursuant to this Law shall be deemed a violation of this Law and shall be an offense punishable pursuant to Section 18.11.

Section 19.04 – Referrals to County Planning Board

- A. Proposed actions involving the adoption and/or amendment of a comprehensive plan, the adoption and/or the amendment of a zoning local law or ordinance, the approval of site plans, the issuance of special use permits, subdivision approval, and the granting of use and area

variances shall be referred to the Cayuga County Planning Board, pursuant to §§ 239-1, 239-m, and 239-n of the General Municipal Law, if the property involved is within five hundred (500) feet of the boundary of any county, town, village; existing or proposed county or state park; any right-of-way of any county or state road or parkway; any stream or canal owned by the county; existing or proposed county- or state-owned land on which a public building or institution is situated; and the boundary of a farm operation located in a County Agricultural District, except that the following shall be exempt from such referral in accordance with the agreement between the Cayuga County Planning Board and the Aurora Village Board of Trustees adopted on June 25, 2014:

1. Activities where all of the land directly affected is (a) farther than 500 feet from the Village boundary, (b) farther than 500 feet from the shore of Cayuga Lake, and (c) does not have frontage on State Route 90 (Main Street), Sherwood Road, Poplar Ridge Road, or other road designated as a state or county highway now or in the future; or
 2. Amendments to a local zoning law or ordinance that do not increase the type or number of uses permitted within a particular zoning district; or
 3. Amendments to a local zoning law or ordinance that do not increase the intensity or density of development permitted within a particular zoning district; or
 4. Special use permits, site plan approvals, and other required approvals for agricultural uses including produce stands; or
 5. Special use permits, site plan approvals, and other required approvals for one-family dwellings and two-family dwellings; or
 6. Special use permits, site plan approvals, and other required approvals for garages, swimming pools, home occupations, other than bed and breakfasts, and rooming or boarding houses, and similar structures and uses on residential property that are commonly accessory to residential use, except docks and other structures over water; or
 7. Special use permits, site plan approvals, and other required approvals for signs; or
 8. Special use permits, site plan approvals, and other required approvals for non-commercial and non-industrial uses as defined by the Village Zoning Law now or in the future, except docks or other structures over water; or
 9. Subdivisions of land comprising fewer than five proposed lots; or
 10. Area variances; or
 11. Activities subject to review by a local agency employing a municipal planner on a full time basis who will advise the referring agency concerning the potential countywide and intermunicipal impacts of the activity.
- B. Effect of County Planning Board review.
1. If the Cayuga County Planning Board recommends the approval of a matter referred to it, the local board's decision is governed by a simple majority vote.
 2. If the Cayuga County Planning Board recommends approval subject to stated conditions or modifications, or recommends disapproval, the local board may override the County Planning Board recommendation only by a majority plus one vote.
 3. If the Cayuga County Planning Board fails to make a recommendation within thirty (30) calendar days following the date on which the matter was referred to the Cayuga County Planning Board, the local board may take action on the matter after the expiration of such thirty-day period, and the local board's decision is governed by a simple majority vote.

- C. Report on final local action. Within thirty (30) calendar days following a local board's final decision on a matter that was referred to the Cayuga County Planning Board, the local board shall provide a copy of its final decision to the County Planning Board. If the local board acted contrary to the Cayuga County Planning Board's recommendation, the local board shall also provide to the Cayuga County Planning Board its reasons for such decision.

Section 19.05 – Agricultural Data Statements

- A. Applicability. Any application for a special use permit, site plan approval, use variance or subdivision review and approval by the Planning Board or Zoning Board of Appeals that would occur on property within the Cayuga County Agricultural District containing a farm operation or on property with boundaries within five hundred (500) feet of a farm operation located in the Cayuga County Agricultural District, shall include an agricultural data statement. The Planning Board or Zoning Board of Appeals shall evaluate and consider the agricultural data statement in its review of the possible impacts of the proposed project upon the functioning of farm operations within the Cayuga County Agricultural District.
- B. Notice to land owners. Upon the receipt of such application by the Planning Board or Zoning Board of Appeals the Secretary of such board shall mail a written notice of such application to the owners of land as identified by the applicant in the agricultural data statement. Such notice shall include a description of the proposed project and its location and may be sent in conjunction with any other notice required by state or local law, ordinance, rule, or regulation for said project. The cost of mailing said notice shall be borne by the applicant.
- C. Contents of an agricultural data statement. The agricultural data statement shall including the following information:
 - 1. The name, mailing address, email address and phone number of the applicant;
 - 2. A description of the proposed project and its location;
 - 3. The name and address of any owner of land within the Cayuga County Agricultural District, which land contains farm operations and is located within five hundred (500) feet of the boundary of the property upon which the project is proposed; and
 - 4. A Tax Map or other map showing the site of the proposed project relative to the location of farm operations identified in the agricultural data statement.

Section 19.06 – Fee Reimbursement

- A. In connection with any application for a Special Use Permit, Site Plan approval, Major Subdivision or Cluster Subdivision approval, Zoning Amendment, Variance, or Interpretation by the ZBA, the reviewing board may require the applicant to pay in advance into an escrow fund established to cover the reasonable costs of reviewing such application. Such costs may include staff costs or consultant fees covering planning, engineering, environmental analysis, wetland delineation, legal review, and other technical services required for a proper and thorough professional review of the application. No permit shall be issued until all costs have been paid. The Village shall account for the expenditure of all such funds and shall promptly refund any unexpended funds within twenty (20) business days of final action by the reviewing board.

ARTICLE XX: AMENDMENTS

Section 20.01 – Procedure

- A. The Village Board of Trustees may from time to time on its own motion, or on petition or on recommendation of the Planning Board, the Zoning Board of Appeals, the Community Preservation Panel, or a member of the public, amend, supplement or repeal the regulations and provisions of this Local Law including changing the Zoning District classification of a particular parcel of land, often referred to as a re-zoning, after public notice and hearing.
- B. All such proposed amendments or changes, whether initiated by the Village Board of Trustees or by petition, shall be referred to the Planning Board by the Village Board of Trustees for a report thereon before the public hearing hereinafter provided for. The Village Board of Trustees, by resolution adopted at a stated meeting, shall fix the time and place of a public hearing on the proposed amendments and cause notice to be given as follows:
 1. The Village shall publish a public hearing notice in the Village’s official newspaper and post in any other location/media that the Village deems appropriate and necessary at least ten (10) business days prior but not more than thirty (30) calendar days prior to the date fixed for public hearing.
 2. A written notice of any proposed change or amendment affecting land included in such proposed change or of that immediately adjacent, extending one hundred (100) feet therefrom, or of that directly opposite thereto, extending one hundred (100) feet from the street frontage of such opposite land at least ten (10) business days prior to the date of such public hearing.
 3. A written notice of any proposed change or amendment affecting property within the protectively zoned area of a housing project authorized under the Public Housing Law of New York State, as such area is shown on an approved zoning map filed with the Zoning Officer, shall be given to the housing authority erecting or owning the project and to the government providing financial aid for assistance thereto at least ten (10) business days prior to the date of such hearing.
 4. A written notice of any proposed change or amendment affecting property within five hundred (500) feet of the boundaries of any state park or parkway shall be given to the Regional State Park Commissioner having jurisdiction over such state park or parkway at least ten (10) business days prior to the date of such public hearing.
 5. A written notice of any proposed change or amendment affecting property within five hundred (500) feet of the boundaries of any city, village, town, or county shall be given to the Clerk of such municipality and to the Clerk of the County Legislature at least ten (10) business days prior to the date of such hearing.
 6. In case, however, of a protest against such change signed by the owners of twenty percent (20%) or more of the area of land included in such proposed change or of that immediately adjacent, extending one hundred (100) feet therefrom, or of that directly opposite thereto, extending one hundred (100) feet from the street frontage of such opposite land, such amendment shall not become effective except by the favorable vote of at least four (4) members of the Village Board of Trustees.

ARTICLE XXI: SEVERABILITY, REPEALER, AND EFFECTIVE DATE

Section 21.01 – Severability

A. It is hereby declared to be the legislative intent that:

1. Should the courts declare any provision of this Local Law to be invalid or ineffective in whole or in part, the effect of such decision shall be limited to those provisions that are expressly stated in the decision to be invalid or ineffective, and all other provisions of this Local Law shall continue to be separately and fully effective.
2. Should the courts find the application of any provision or provisions of this Local Law to any lot, building or other structure, or tract of land, to be invalid or ineffective, in whole or in part, the effect of such decision shall be limited to the person, property, or situation immediately involved in the controversy, and the application of any such provision to other persons, property, or situations shall not be affected.
3. Should any of these regulations changed herein conflict or be inconsistent with any provision of new Local Laws, the provision of the new Local Laws shall apply.

Section 21.02 – Repealer

A. The following local laws and all supplements and amendments thereto are hereby repealed.

1. Local Law entitled “Village of Aurora Zoning Law” originally effective on July 18, 2008 as amended through January 23, 2023.

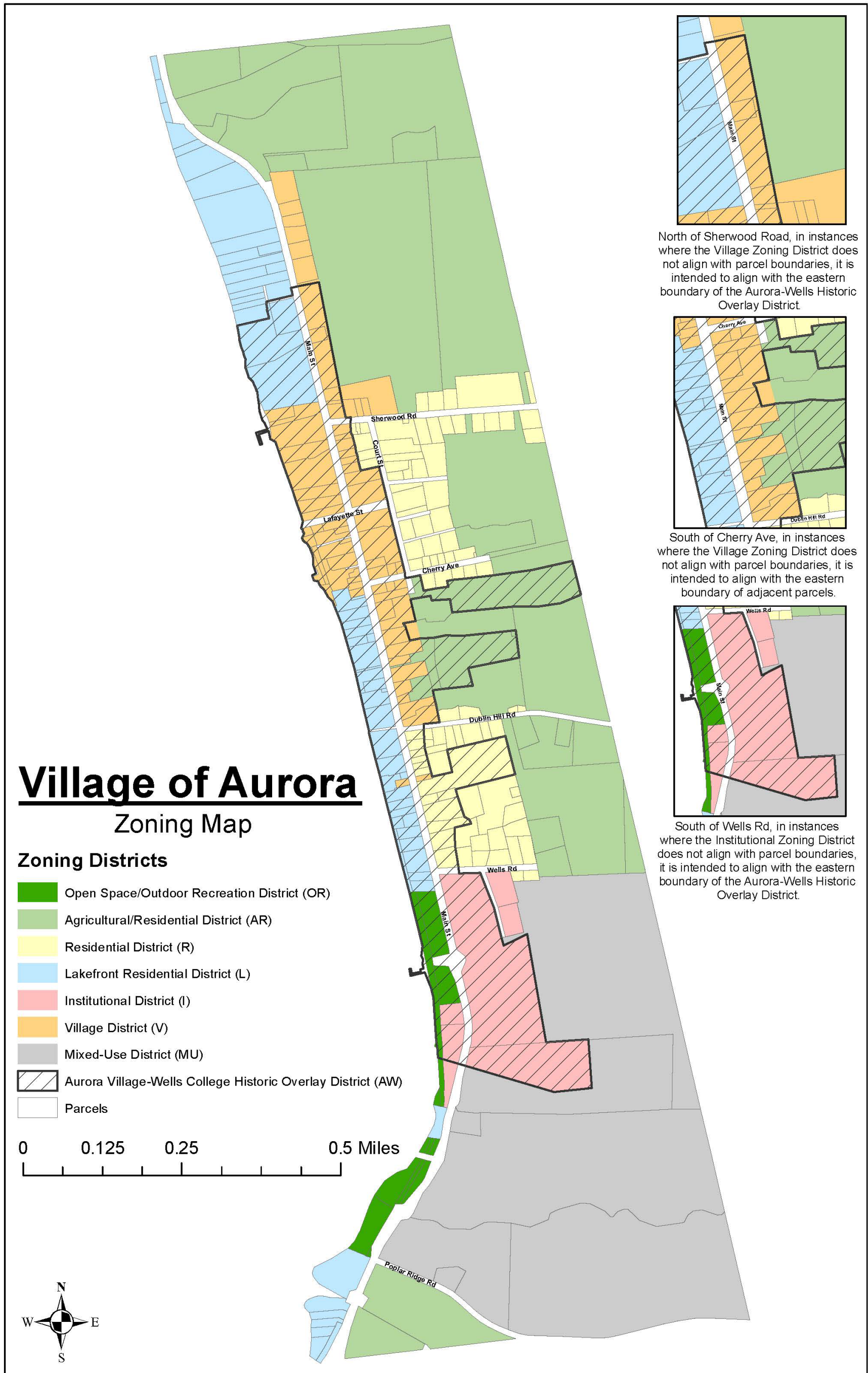
B. If this Local Law entitled “Village of Aurora Zoning Law” adopted and effective as noted in Section 21.03 herein, is held to be ineffective or invalid by reason or some irregularity in or impediment to its passage, this repealer shall also be ineffective, it being the legislative intention that if the present enactment shall be ineffective as aforesaid, then in that event the laws listed above together with their supplements and amendments, would necessarily remain in full force and effect until this Local Law is found to be effective and valid.

Section 21.03 – Effective Date

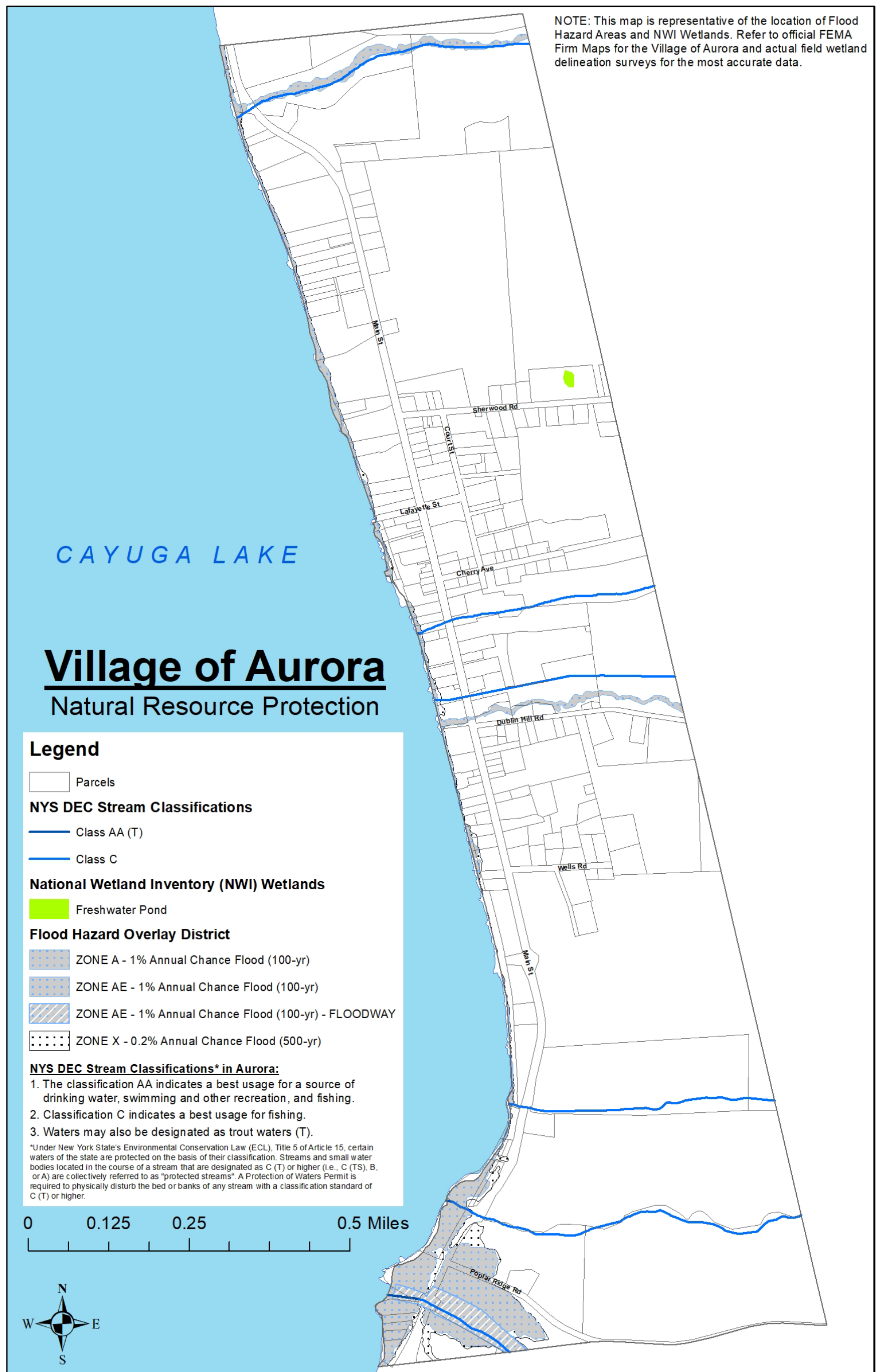
A. Be it enacted this 20th day of March, 2024 by the Village Board of Trustees of the Village of Aurora of Cayuga County, New York that this Local Law shall become effective immediately upon filing with the NYS Secretary of State.

ERRATA - Wherever in this enactment words other than "Zoning Law" have been used and referring to this enactment, those words shall mean "Zoning Law".

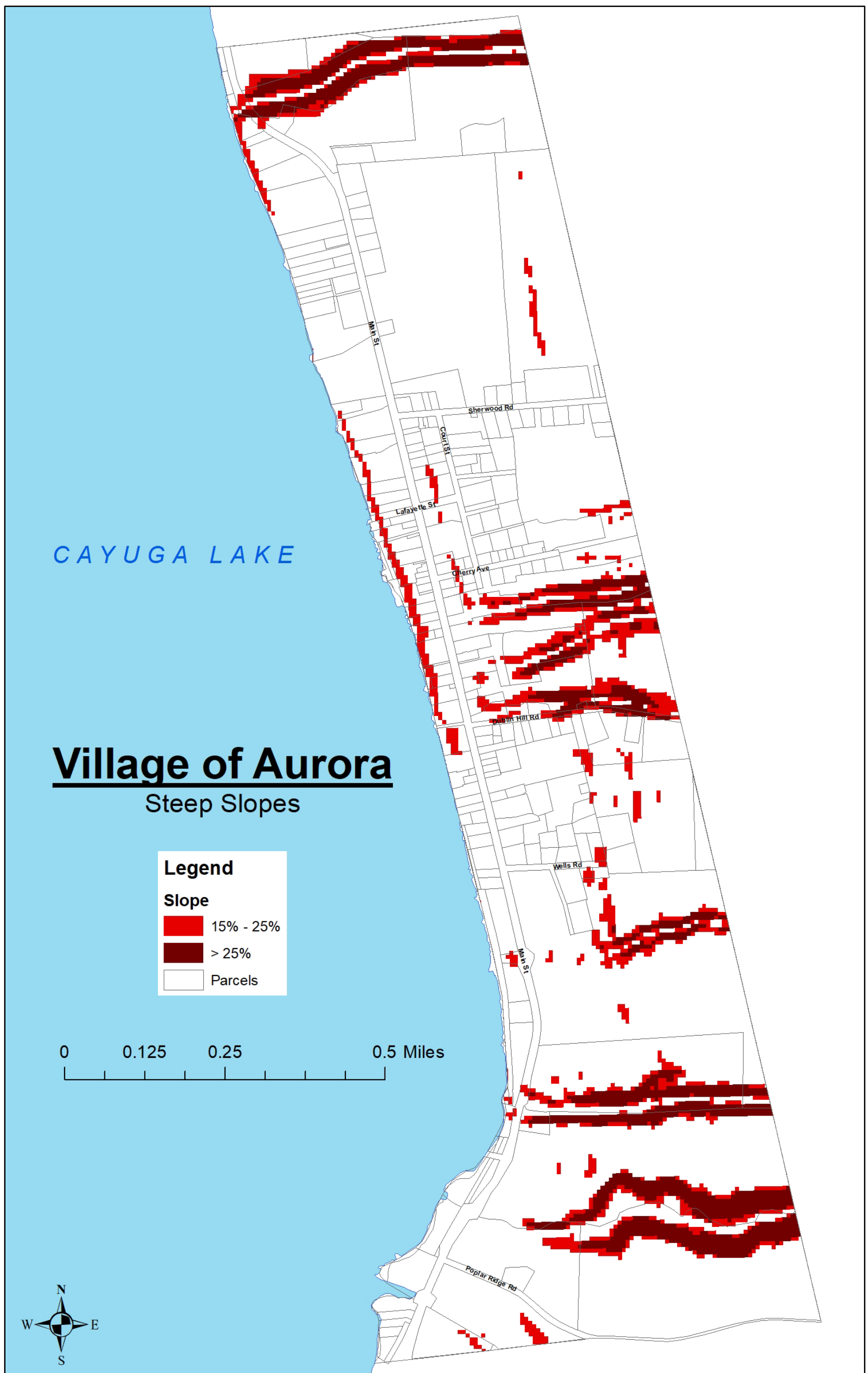
APPENDIX I: ZONING MAP



APPENDIX II: NATURAL RESOURCE PROTECTION MAP



APPENDIX III: STEEP SLOPES MAP



APPENDIX IV. HISTORIC RESOURCE MAP & REGISTER OF HISTORIC LANDMARKS

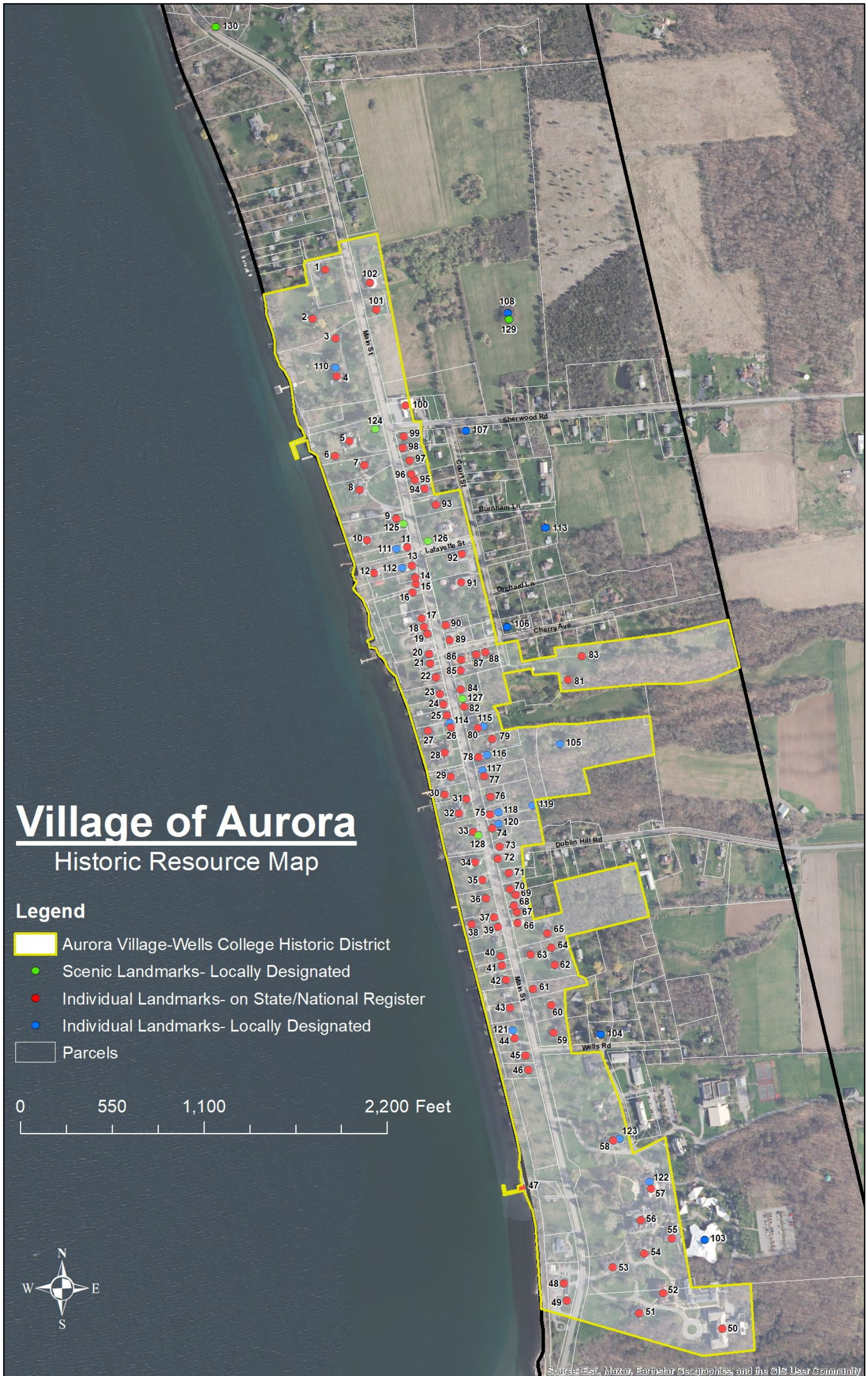


Table 8: Individual Landmarks Listed on the New York State and/or National Register of Historic Places in Aurora, NY				
# on Map	Name on Listing (aka)	Street Address	Parcel Tax-ID #	USN #
1	O'Hearn Residence	503 Main St	181.12-1-2	01141.000060
2	491 Main St	491 Main St	181.12-1-3.1	01141.000112
3	Shed (Site of Roswell Franklin's Cabin)	461 Main St	181.12-1-6	01141.000110
4	Morgan/Peter Residence	461 Main St	181.12-1-6	01141.000061
5	Zabriskie/Abbott Residence	453 Main St	181.12-1-8	01141.000062
6	Abbott House Greek Revival Summer Pavilion	453 Main St	181.12-1-8	01141.000024
7	S. Zabriskie House	441 Main St	181.12-1-9	01141.000109
8	Morgan/Zabriskie House (Wells College Guest House)	431 Main St	181.12-1-10	01141.000025
9	Riford House (Leddra Wood House)	425 Main St	181.12-1-11.2	01141.000026
10	Modern/non-contributing	419 Main St	181.12-1-11.1	01141.000124
11	413 Main St	413 Main St	181.12-1-12	01141.000063
12	French House Barn	4 Lafayette St	181.16-1-2	01141.000108
13	405 Main St	405 Main St	181.16-1-3	01141.000064
14	Thompson Block/Purdy Block/Purcell ES	403 Main St	181.16-1-4	01141.000065
15	Thompson Block/Allen Block/Bianconi	401 Main St	181.16-1-5	01141.000066
16	First National Bank (Cayuga Lake National Bank)	397 Main St	181.16-1-6	01141.000027
17	Aurora Inn	391 Main St	181.16-1-11.1	01141.000001
18	Aurora IGA/Now part of 391 Main St parcel	391 Main St	181.16-1-11.1	01141.000107
19	Demolished and Replaced	381 Main St	181.16-1-14	01141.000106
20	Aurora Post Office	373 Main St	181.16-1-16	01141.00028
21	Aurora Village Hall	371 Main St	181.16-1-17	01141.000029
22	Lauderdale House	363 Main St	181.16-1-19	01141.000105
23	Presbyterian Parsonage/Residence (The Presbyterian Manse)	359 Main St	181.16-1-20	01141.000067
24	Gifford Residence	353-355 Main St	181.16-1-21	01141.000068
25	Collar/Knight Residence	351 Main St	181.16-1-22	01141.000069
26	Jane Morgan Little House	347 Main St	181.16-1-23.2	01141.000030
27	J. Morgan House/non-contributing	349 Main St	181.16-1-23.1	01141.000104
28	Presbyterian Church (United Ministry Presbyterian Church)	337 Main St	181.16-1-24	01141.000031
29	Lyon Residence/Wells College Building	331 Main St	181.16-1-25.1	01141.000070
30	House at 327 Main Street	327 Main St	181.16-1-26	01141.000103
31	Scipio Lodge-Masonic Temple	325 Main St	181.16-1-30	01141.000002
32	Webb/Avery Residence	323 Main St	181.16-1-27.11	01141.000071
33	Morgan House (Christopher Morgan House)	311 Main St	181.16-1-28.1	01141.000032
34	Saint Patrick's Church (St. Patrick's Roman Catholic Church)	303 Main St	182.17-1-1	01141.000033
35	Saint Patrick's Rectory	303 Main St	182.17-1-1	01141.000072
36	McGuire Residence	293 Main St	182.17-1-2	01141.000073
37	Telephone Building	289 Main St	182.17-1-3	01141.000102
38	Lehigh Valley Railroad Depot	287 Main St	182.17-1-4.2	01141.000034
39	Mack's Drug Store	283 Main St	182.17-1-4.1	01141.000074
40	Gillespie House	275 Main St	182.17-1-6	01141.000100
41	Pittelkon House/Wells College	271 Main St	182.17-1-7.1	01141.000099
42	Cuyler House/Wells College	267 Main St	182.17-1-8.1	01141.000098
43	Bentley House/Wells College	255 Main St	182.17-1-10.1	01141.000096
44	Wavebank/Wells College	245 Main St	182.17-1-11.1	01141.000075
45	A. Hickey Residence/Wells College (Cooper-Cromwell House)	237 Main St	182.17-1-12	01141.000076
46	T. Hickey Residence/Wells College	231 Main St	182.17-1-13	01141.000077
47	Wells College Boathouse	185 Main St	193.05-1-6.1	01141.000039
48	Wells College Power Station	170 Main St	193.05-1-1	01141.000113
49	Fritts House/Wells College	170 Main St	193.05-1-1	01141.000114
50	Wells College: Macmillan Hall	170 Main St	193.05-1-1	01141.000043
51	Pettibone House	170 Main St	193.05-1-1	01141.000047
52	Zabriskie Hall	170 Main St	193.05-1-1	01141.000041
53	Wells College: Cleveland Hall	170 Main St	193.05-1-1	01141.000048
54	Morgan Hall	170 Main St	193.05-1-1	01141.000042
55	Wells College: Helen Fairchild Smith Hall	170 Main St	193.05-1-1	01141.000040
56	Wells College Main Building	170 Main St	193.05-1-1	01141.000046
57	Wells College: Dining Hall	170 Main St	193.05-1-1	01141.000044
58	Glen Park (Henry Wells House)	170 Main St	193.05-1-1	01141.000004
59	Hollcroft House/Wells College	246 Main St	182.17-1-14	01141.000078
60	Jaffe House/Wells College	256 Main St	182.17-1-17	01141.000079
61	Orman House/Wells College	262 Main St	182.17-1-18	01141.000080
62	Fort House (Peter Fort House)	268 Main St	182.17-1-19	01141.000023
63	Hickok House/Wells College	272 Main St	182.17-1-20	01141.000081
64	Young House/Wells College	276 Main St	182.17-1-21	01141.000082
65	280 Main Street (Jedediah Morgan House)	280 Main St	182.17-1-22	01141.000022
66	Shakelton Hardware	286 Main St	182.17-1-24	01141.000058
67	T. Kenyon House	288 Main St	182.17-1-25	01141.000083
68	Stupp Hse/Wells College Residence	290 Main St	182.17-1-26	01141.000057
69	Davis House	292 Main St	182.17-1-27	01141.000084
70	Stack Hse #2/Fleissner Residence	296 Main St	182.17-1-28	01141.000056
71	Barry Cottage	300 Main St	182.17-1-29	01141.000085
72	Patrick Tavern/Avery Tavern/Halstead Residence (Patrick Tavern)	302 Main St	182.17-1-30	01141.000021
73	Jones/Whiting	308 Main St	182.13-1-34	01141.000055

Table 8: Individual Landmarks Listed on the New York State and/or National Register of Historic Places in Aurora, NY

# on Map	Name on Listing (aka)	Street Address	Parcel Tax-ID #	USN #
74	Mandell House	316 Main St	182.13-1-33	01141.000020
75	Saint Paul's Episcopal Church	320 Main St	182.13-1-32.1	01141.000019
76	Jones Residence/Wells College Building (Stack House, Paul Jones)	326 Main St	182.13-1-31.1	01141.000054
77	King Hse.	330 Main St	182.13-1-30	01141.000018
78	Chase/Byrne Residence	336 Main St	182.13-1-29.1	01141.000053
79	Purcell House	340 Main St	182.13-1-28	01141.000086
80	Leffingwell Hse	342 Main St	182.13-1-24.21	01141.000015
81	Ledyard/Cuyler Cemetery	Cherry Ave	182.13-1-25.11	01141.000017
82	Masonic Lodge/Leffingwell House (Chimney Corner)	348 Main St	182.13-1-24.114	01141.000014
83	Oak Gate Cemetery (Oak Glen Cemetery)	Cherry Ave	182.13-1-25.11	01141.000012
84	Avery House (Avery/Arms House)	358 Main St	182.13-1-23.111	01141.000013
85	Bates Residence	366 Main St	182.13-1-22	01141.000052
86	Aurora Free Library and Morgan Opera House	370 Main St	182.13-1-21	01141.000011
87	Mapstone House	12 Cherry Ave	182.13-1-20	01141.000095
88	Bowness House	16 Cherry Ave	182.13-1-19	01141.000050
89	Doughty Residence (Seth Phelps House)	378 Main St	181.16-1-9.12	01141.000051
90	Aurora Office Bldg/Fargo Grill	384 Main St	181.16-1-10.1	01141.000010
91	396 Main St (Taylor House)	396 Main St	181.16-1-7.1	01141.000009
92	Wallcourt	38 Lafayette St	181.16-1-7.2	01141.000008
93	J.W. Maloney House	428 Main St	181.12-1-14	01141.000087
94	C. Shakleton House	432 Main St	181.12-1-15	01141.000088
95	Myra Crandall House	434 Main St	181.12-1-18	01141.000089
96	WM. Taylor House	436 Main St	181.12-1-19	01141.000090
97	M & G.H. Beck House	442 Main St	181.12-1-21	01141.000091
98	C. Dempsey House	444 Main St	181.12-1-22	01141.000092
99	E. Hickey House	448 Main St	181.12-1-23	01141.000093
100	Aurora Fire Dept/Non-contributing	456 Main St	181.12-1-28	01141.000094
101	Franklin Tavern/The Grange/Avery Residence (Franklin-Richmond Tavern)	488 Main St	181.12-1-29	01141.000007
102	Morgan Barns	492 Main St	181.12-1-30.113	01141.000006

Name and USN # information from NYS Parks, Recreation and Historic Preservation CRIS Mobile website.

Table 9: Individual Landmarks Designated by the Village of Aurora Board of Trustees

# on Map	Name	Street Address	Parcel Tax-ID #
103	Louis Jefferson Long Library	170 Main St	193.05-1-1
104	Richmond House	19 Wells Rd	182.17-1-50
105	Benjamin Ledyard House	334 Main St	182.13-1-27.11
106	Barn at Phelps-Swan House	21 Cherry Ave	182.13-1-5.1
107	Marriott-Gifford House	78 Court St	182.09-1-16
108	Chonodote Site	492 Main St	181.12-1-30.113
109	Henry A. Morgan Barn	492 Main St	181.12-1-30.113
110	Henry A. Morgan House	461 Main St	181.12-1-6
111	Campbell/Mosher/Avery House	413 Main St	181.12-1-12
112	Ephraim Marsh House	405 Main St	181.16-1-3
113	R. L. Zabriskie Barn	8 Burnham Ln	182.09-1-24
114	Burnham Law Office	347 Main St	181.16-1-23.2
115	Leffingwell House	342 Main St	182.13-1-24.21
116	Old Captain Chase House	336 Main St	182.13-1-29.1
117	Williams House	330 Main St	182.13-1-30
118	Episcopal Church	320 Main St	182.13-1-32.1
119	Mandell House Barn	318 Main St	182.13-1-32.21
120	Mandell House	316 Main St	182.13-1-33
121	Bogart House	245 Main St	182.17-1-11.1
122	Dining Hall	170 Main St	193.05-1-1
123	Laundry Facility	170 Main St	193.05-1-1

Table 10: Scenic Landmarks Designated by the Village of Aurora Board of Trustees

# on Map	Name	Street Address	Parcel Tax-ID #
124	Harris-Thompson Ginkgo Biloba	453 Main St	181.12-1-8
125	Harris-Thompson Ginkgo Biloba	425 Main St	181.12-1-11.2
126	Harris-Thompson Ginkgo Biloba	418 Main St	181.12-1-13.1
127	Sycamore	358 Main St	182.13-1-23
128	Black Walnut	311 Main St	181.16-1-28.1
129	Council Tree at Chonodote Site	492 Main St	181.12-1-30.113
130	Oak on Franklin Hill	590 Main St	181.08-1-5.1